

The Public Service Commission in Overseas Territories

*Notes for the Guidance of
Members of Commissions*

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PREFACE

The creation and maintenance of an effective and impartial Public Service is important in all communities but of especial importance in under-developed communities where Government must play a large part in all major activities and must be the primary instrument for further development. In Britain the position of the Civil Service, while regulated in part by legislation, largely rests, like the constitution as a whole, on precedent and convention. In the Colonial territories overseas no such convention exists and an important aspect of British Colonial policy has been the creation of efficient Public Services whose impartiality and integrity has been preserved by careful regulation and the ultimate protection of the Secretary of State for the Colonies. As power is steadily transferred from British to local hands so the role of the Secretary of State in Public Service matters diminishes and finally comes to an end. At the same time the Public Service Commission is built up to assume increasing responsibilities for the Public Service and ultimately to be an independent executive body fully responsible for the appointments and careers of individual members of the Public Service.

This handbook describes the evolution of the Public Service Commission up to the stage of its assuming executive powers. It contains draft regulations suitable for the discharge of those powers. While it is not possible within the scope of the handbook to deal with every problem and local situation it is hoped that the general principles enunciated will be found relevant to the needs of most overseas territories.

CONTENTS

PREFACE

<i>Chapter</i>		<i>Page</i>
I	GENERAL	1
II	MEMBERSHIP	4
III	THE STAGES OF THE COMMISSION'S LIFE ..	6
IV	POWERS AND FUNCTIONS	9
V	THE RANGE OF POSTS FALLING WITHIN THE COMMISSION'S RESPONSIBILITIES	16
VI	METHOD OF OPERATION	18
VII	REGULATIONS	20
VIII	THE COMMISSION'S RELATIONSHIP WITH THE PUBLIC SERVICE	24
IX	THE COMMISSION AND THE PERMANENT SECRETARIES	26
X	THE COMMISSION AND THE MINISTERS ..	27
XI	THE COMMISSION AND THE LEGISLATURE ..	28
XII	CONFIDENTIAL REPORTS	29
XIII	SELECTION BOARDS AND THE INTERVIEWING OF CANDIDATES	30

Appendices

A.	SPECIMEN REGULATIONS	33
B.	NOTES ON DISCIPLINARY PROCEEDINGS ..	63
C.	SPECIMEN RECOMMENDATION FORMS FOR APPOINTMENTS AND PROMOTIONS	76
D.	SPECIMEN P.S.C. REFERENCE FORM	83
E.	SPECIMEN LOCAL ANNUAL CONFIDENTIAL REPORT FORMS	86

General

1. It is an accepted principle of the British democratic system of Government that the public service should be free from political control and influence and should itself play no part in politics. In the United Kingdom the acceptance of this principle emerged only after long experience of the disadvantages of a system of patronage in which ministers were free to appoint and control the staffs of their departments in any way they thought fit; a system which continued until 1855 when, as a result of the Northcote-Trevelyan Report, the Civil Service Commission first came into being, with somewhat limited powers in respect of recruitment. Since then, these powers have been progressively increased, as a result of successive inquiries and commissions, until today the Civil Service Commission is responsible for all recruitment to permanent and pensionable posts in the Public Service. The gradual progress of these reforms has ensured that they have had the full weight of public opinion behind them and has given time for the development of rules and conventions within ministries and departments which have ensured that, although the Civil Service Commission is concerned mainly with recruitment to the service, the individual officer's career after his appointment is equally protected from political influence.

2. In overseas territories progressing towards self-government the situation is not the same. The need to secure the independence of the public service from politics is equally vital, but it is a need arising from the long-term view rather than a need which has already been established in the public mind by past experience. The public services in the overseas territories have long been under the direct control of officials and subject to the ultimate protection of the Secretary of State for the Colonies. The opportunity for the exercise of any form of political pressure on the service has in most cases been too remote to have made any impact on the public mind. But as the form of the constitution progresses towards self-government, the position changes. Elected ministers take charge of departments, a legislature with an unofficial majority controls the funds for the public service and the degree of protection which the Secretary of State can exercise diminishes and must ultimately disappear. At the same time the system of well-established conventions and traditions which, in the United Kingdom, governs the relationship between the political government and the public service and supplements the work of the Civil Service Commission has not had time to develop. Neither Ministers nor the general public have experienced the disadvantages of a public service which is not politically neutral or of being served by officers recruited on criteria other than those of merit and efficiency. They are apt to take for granted the existence of a public service which will give disinterested advice and loyal and efficient

service without regard to personal or political considerations. Ministers are often put under considerable pressure by constituents and others to advance the interests of individual public officers and it is difficult for them, however well-meaning they may be, to appreciate that such interventions are incompatible with the continued maintenance of an efficient and impartial service.

3. To meet this situation the Public Service Commission system has been evolved. It is based primarily on the acceptance by the Government of the territory of the principle that it is in the general interest that the public service should be kept out of politics, and on the Government's consequent willingness to forego the right to control directly certain aspects of the administration of the public service and to make provision in the constitution for these powers to be exercised by an independent tribunal—the Public Service Commission. In taking this step, the Government expects that in return it will be assured of the services of a public service that is in essence an efficient professional body that will carry out the directions and implement the policies of the Government without fear or favour. The general public will equally expect to be assured of impartial and efficient service from officers whose relationship with the public will be uncoloured in any way by politics. The individual public officer for his part must feel confident that so long as he provides the impartial and efficient service expected of him his career will be secure whatever may be the political complexion of the Government in power.

4. It is the task of the Public Service Commission to ensure that these expectations are realized.

5. Since there is not, as there is in the United Kingdom, a body of convention and tradition to supplement its work, the Public Service Commission's functions require to be somewhat wider than those of the Civil Service Commission in the United Kingdom. So far as appointments are concerned, there is not a great deal of difference between the two but the United Kingdom Civil Service Commission is not concerned to the same extent as is a Public Service Commission in an overseas territory with an officer's career once he has entered the service, since matters of promotion and discipline in the United Kingdom are, by virtue of the established conventions already mentioned, dealt with departmentally in conditions ensuring adequate protection from improper influence. The Civil Service Commission does in fact deal with certain aspects of probation and confirmation and also with transfer or promotion from one class of work to another involving different qualifications. But it is in the other Commonwealth countries that conditions provide a closer parallel, for the development of the Public Service Commission system to meet the needs of the various independent members of the Commonwealth has established the advantages of bringing both promotion and discipline within the orbit of the Public Service Commission. In the older Commonwealth countries, promotion in one aspect or another has become the concern of all the Commissions. In Canada, for example, a Civil Service Commission was

set up in 1908 on the United Kingdom pattern to deal only with recruitment, but it was found necessary in 1918 to make promotion also the Commission's responsibility in order to remove political influence from it. In the case of discipline, too, the tendency in the older Commonwealth countries has been to associate the Commission with the maintenance of discipline in one way or another. In New Zealand the Commission itself is responsible for the maintenance of discipline.

6. These developments are reinforced by experience in the newer members of the Commonwealth, where conditions provide an even closer parallel, and as already stated it is now accepted that the protection of the public service from political influences in territories progressing towards independence is best secured by entrusting responsibility for promotion and discipline, as well as for appointments, to a Public Service Commission, and by making provision for the Commission's existence and powers in the constitution.

Membership

7. In the earlier stages of constitutional development it is usual to provide in the constitution that members of the Commission shall be appointed by the Governor (or Governor-General) acting in his discretion, and, under full self-government, on the advice of the Prime Minister. It should be provided that no member of the Commission shall be or become a member of Parliament while remaining a member of the Commission and that if a public officer is appointed to be a member of the Commission he shall cease to be a public officer and shall be ineligible for further appointment as such. Members of the Commission may resign but their appointments may otherwise be prematurely terminated only if the Governor (or Governor-General), for causes assigned, orders removal from office, acting in his discretion (or, under full self-government, on the advice of the Prime Minister). Members are appointed for a fixed period, often five years, and are not precluded from reappointment. The Constitution should also provide that the salary of a member of the Commission, having been determined by the Legislature, shall be charged on the Consolidated Fund and shall not be diminished during the tenure of office of the member. It is very desirable that when the Commission is in full working order the appointments of its various members should not all expire at the same time.

8. Local considerations will largely determine what should be the strength of the Commission. Where problems arise from the existence of minority communities, it must not be forgotten that the Commission constitutes a considerable safeguard of one aspect of minority rights and this factor will necessarily influence the composition of the Commission. Subject to such considerations, the Commission should, generally speaking, be kept as small as possible. A Chairman and two members are often sufficient. An important point to be considered is whether or not all members should be appointed on a full-time basis. There can be no room for doubt that if the Commission is to be an effective force, capable of holding the confidence of the Government and the service, its members must be recruited only from persons of the highest calibre. It is not always easy to find suitable members, and consideration is sometimes given to the appointment of members, other than the Chairman, on a part-time basis. Although such a course may ease the task of constituting the Commission, it is not free from disadvantages. The success with which the Commission will carry out its difficult task will depend ultimately on the integrity, impartiality and liberal-mindedness which members bring to bear on the problems before them and, above all, on their ability to combine together into a team capable of inspiring confidence in all. It is difficult for a Commission

composed of part-time members, who have other interests and loyalties, to achieve the same unity of purpose as a Commission composed of members whose sole interest is in the Commission. A full-time Commission will, under wise guidance, achieve an *esprit de corps* that will not only greatly help it to meet the strains and stresses of the early days of self-government but will also encourage and inspire the nominated members of the future to transfer their whole loyalty to the Commission. Furthermore, the Commission must, if it is to inspire confidence, deal with matters efficiently and expeditiously, and experience shows that there is a constant need for informal consultation between members, as distinct from formal meetings, if matters are to be dealt with expeditiously, and if members are to be kept closely in touch with all that goes on and to gain a proper understanding of the workings of the administrative machine. In view of the highly confidential nature of the work, it is important that Public Service Commission papers should not leave the Commission's office, and the contributions which part-time members can make to the work are necessarily limited to their attendances at the office. It is not, therefore, generally possible for them to take part in a daily circulation of papers or in the informal discussions referred to. This must inevitably result in a slowing down of the Commission's work. There will always be a general tendency to saddle the Commission with responsibility for delays that may occur in matters falling within its scope, even though they are in fact due to causes completely outside the Commission's control. It is of the greatest importance therefore that the Commission itself should not be guilty of avoidable delays and for this reason part-time membership imposes a definite handicap on the Commission. It is difficult, too, for part-time members to carry out some of the other duties on which full-time members can be profitably employed, such as the scrutiny of application forms and the representation of the Commission on bodies such as scholarship selection boards and selection boards for the armed services, etc.

9. The country will be best served, therefore by a small Commission composed of full-time members of the highest possible standing and ability, and the salaries fixed should be adequate for this purpose. It may be that in some territories the field of possible members is so limited as to make it impossible to recruit suitable persons on a full-time basis. In that event, it is better to recruit members (other than the Chairman) on a part-time basis than to appoint full-time members whose suitability may be doubtful.

III

The Stages of the Commission's Life

10. It is customary (and very desirable) to introduce the Public Service Commission at an early point in the advance of a territory towards self-government but the circumstances and time of its introduction necessarily vary from one territory to another. But whatever may be the stage at which the system is first introduced and the circumstances which attend it, the form in which the Commission develops must always be governed by its basic purpose—the independence of the public service from politics. If it is to achieve that purpose it is essential that, by the time full self-government has been attained, the Commission must be established in the eyes of both the Government and the public service as an authoritative body fully capable of discharging the responsibilities entrusted to it. The Ministers must be satisfied that it is able to provide them with an efficient and loyal service. The public officer must be satisfied that he can look to the Commission to ensure that he is treated with justice.

11. The Commission generally has all too little time in which to prepare itself for its final role. It has to start from scratch and it has to proceed with caution because every decision made in its early days must be considered not only in the light of existing circumstances but also in relation to the position which the Commission will occupy in the future. To give the Commission some protection initially it is usually required to pass through two (and occasionally three) stages of development. It is first created as an advisory body to the Governor, the powers eventually to devolve upon the Commission are vested in the Governor acting in his discretion and the Governor is not bound to take the Commission's advice nor, indeed, to consult the Commission. This is the stage that generally coincides with the first appointment of unofficial Ministers. During this period the Commission sets up its machinery, sorts out the functions and duties which it should discharge and generally builds up its position, so that the Governor, although personally responsible for all decisions, is soon able to regard the advice tendered by the Commission as the best advice available on the matters falling within its scope.

12. The final stage of a Commission's development comes about when a territory becomes self-governing. At that stage the ultimate responsibility of the Secretary of State for the Colonies for the Public Service is surrendered to local hands and officers selected by or under the authority of the Secretary of State generally become entitled to retire prematurely with compensation for loss of career. Responsibility for the Public Service is then vested in the Public Service Commission by giving that body executive powers. Instead of tendering advice to the Governor, the Commission is required to make mandatory recommendations to him. The Commission

has now become one of the most important public bodies for which constitutional provision is made and it is normal to protect its independence by special provisions concerning the appointment and tenure of office of its members and by special protection for their terms of service during office. If, when a territory becomes independent, there is provision for the special protection or "entrenchment" of certain provisions of the constitution, it is normal to include in these "entrenched" provisions those concerning the appointment and powers of the Public Service Commission.

13. In some cases the Commission has, before independence, gone through a further limited stage of development. This has been where the Governor, when the Commission has first been given executive powers, has been given discretion to refer recommendations back to the Commission once for reconsideration, while being bound thereafter to accept the Commission's recommendation. This intermediate stage is not essential but may be helpful to ensure the stable growth of the Commission's responsibilities. It is appropriate only at a constitutional stage which is short of full self-government, when the Governor still has discretionary powers vested in him by the constitution.

14. When the Commission becomes executive all aspects of the administration of the public service other than the functions vested in the Commission are dealt with by departments under the direct control of Ministers. It is of the utmost importance therefore that, from the outset, the field of action of the Commission should be clearly defined. A firm distinction must be drawn between public service matters which can properly and effectively be divorced from political control and those that must remain subject to the direct control of Ministers and Legislature. Any failure to draw this distinction in the early stages of the Commission's life will become progressively more difficult to rectify later, and may ultimately lead to friction between the Commission and the Government with unfortunate results for the public service.

15. For this reason the Commission should not be allowed to grow up, even in its earliest days, as a part of the general administrative machinery of the Government. Its separation from and independence of the Secretariat and Treasury and other central offices of the Government should be emphasised from the beginning by making the Commission a separate entity directly responsible to the Governor. Unless this is done there will almost inevitably be a lack of precision in distinguishing between public service matters which should remain under Secretariat or Treasury control (ultimately to become subject to Ministerial direction) and those which must be transferred to the sphere of the Commission.

16. This reallocation of functions and the establishment of a satisfactory relationship between the Commission, on the one hand, and the Secretariat and Treasury on the other, form one of the most important tasks during the early life of the Commission. There must be no hesitation in transferring to the Commission, from the beginning, all the functions with which it must ultimately deal if it is to be able to fulfil its purpose. The test always to be applied is whether or not it would be consonant with the

principle of the freedom of the public service from political control for the particular function to be subject to Ministerial direction.

17. By the same token, the Commission should not, at any stage, be asked to undertake duties falling outside those for which at the final stage it will become constitutionally responsible or to make recommendations to any authority other than the Governor. The Commission's mission is to become, within its sphere, the highest tribunal in the land and its position should not be weakened at any time by allowing it to become a sort of administrative maid of all work.

Powers and Functions

18. The powers and functions which, in pursuance of these considerations, are assigned to the Commission should be set out in the Order in Council or other statutory instrument establishing the Commission. The customary provision is . . . "the appointment, promotion, transfer, termination of appointment, dismissal and disciplinary control of public officers" . . . That is to say, the Commission is charged with the responsibility of protecting the career of the individual officer within the framework of all the conditions of service and conduct which the Government as employer is entitled to prescribe. The Commission can maintain its independence and fulfil its purpose only so long as it is scrupulously careful to act strictly within that framework. It is necessary therefore to consider closely the significance of each of the terms constituting the powers vested in the Commission. For example, "the appointment of public officers" means in this context the selection of candidates by the Commission to fill vacant posts for which the funds have been made available by the Government. The Commission cannot make an appointment unless there is a vacant post in the cadre established by the Government and funds are available in respect of it. The selection of the candidate to fill the post lies in the Commission's discretion but the Commission is bound by any general recruitment policy which the Government may lay down. The Commission decides whether or not individual candidates are qualified to hold the posts for which they apply but has an overall responsibility to the Government for the appointment of candidates who are competent to discharge the duties attached to the posts.

19. In the same way "the promotion of public officers" means the selection by the Commission, from among those entitled to be considered, of the officer who in the view of the Commission is best qualified for promotion, but the promotion must fall within the departmental cadre approved by the Government. There must be a vacant post for which funds are available.

20. Where "the transfer of public officers" is concerned it is necessary to give particular consideration to what is meant by the term "transfer" since it is not used in exactly the same sense in all territories. Experience has shown that it is not desirable that a Public Service Commission should be concerned with the type of transfer which consists of the posting of an officer from one duty post to another in the same departmental grade or class. Such a process is essentially one of departmental administration and the Commission is in a position to ensure, by virtue of its control of promotion to the next higher grade or class, that an officer's promotion prospects are not affected by such transfers within a grade or class. This type of

transfer (or "posting") should therefore be excluded from the Commission's responsibilities.

21. Any form of transfer which carries with it an increase of salary must necessarily be a matter for the Commission since it will, in fact, fall within the definition of "promotion" and will be dealt with under the procedure prescribed for promotion.

22. This leaves a final class of transfer which, while involving no immediate increase in salary, is not a purely departmental posting within a grade or class in that the officer concerned moves from one department or branch of the service to another. Such, for example, would be the transfer of a draughtsman in the Survey Department to an equivalent grade in the Public Works Department. It is necessary for such transfer to come within the control of the Commission because the interests of other officers may be involved. The Commission must consider whether the vacant post is one which would ordinarily be filled by promotion, within the department, from the grade below or by advertisement within (or outside) the service and, in that case, whether there are adequate reasons for the course proposed.

23. It will be seen therefore that it is not sufficient to define "transfer" for the Commission's purpose as a transfer which involves an increase in salary. A more satisfactory definition which has been adopted in one territory is:—"the conferment, whether permanently or otherwise, of some public office other than that to which the officer was last substantively appointed, not being a promotion; but the posting of a public officer to occupy a like office in a different location shall not be regarded for this purpose as the conferment of a different public office".

24. As in the case of appointments and promotions, the Commission can order a transfer only if it is satisfied that there is a vacant post for which funds are available.

25. In the case of "termination of appointment, dismissal and disciplinary control of public officers", it is for the Government as employer to lay down the conditions of service and the code of conduct for its officers. The Commission's function is to ensure that officers are dealt with justly within the terms of these provisions.

26. In all these matters the Commission's responsibility must be so defined that while the Government retains its legitimate control over policy and finance, the Commission, within its sphere, is not subject to directions in respect of its decisions in individual cases. The importance of drawing a clear dividing line between the responsibilities of the Commission and those of Ministers has already been stressed and it may be of assistance for this purpose to examine in greater detail some of the main activities that will be carried out by the Commission.

27. It has already been stated that the "appointment of public officers" means the selection of candidates by the Commission to fill existing vacancies in the public service. In order that the Commission may discharge this function it must be in a position to invite applications for the

vacancy (usually by public advertisement) stating the nature of the duties of the post, the qualifications required of candidates and the salary and conditions of service attached to the post. The duties of the post, the salary and the conditions of service are matters which the Government as employer is entitled to prescribe. The qualifications required of candidates form a matter for agreement between the Commission and the Government. The Government is entitled to indicate broadly the type of candidate it had in view when fixing the salary of the post, e.g., a graduate, a professionally qualified accountant, etc., but it would not be entitled to lay down unnecessarily restrictive qualifications which might for example favour a particular candidate and so infringe upon the responsibilities constitutionally vested in the Commission. Any general recruitment policy which has received the endorsement of the legislature must be binding on the Commission; this might cover such matters as the employment of local staff of the territory in preference to expatriate candidates, the suspension or reduction of recruitment at times of financial stringency, etc.

28. Subject to such considerations, the responsibility for calling for applications for vacant posts and for all subsequent action up to the filling of the vacancy rests solely with the Commission. The Commission would not issue an advertisement until it was satisfied with its terms and, if the advertisement specified minimum qualifications, it would not in any circumstances appoint a candidate who does not possess these qualifications unless the post is first re-advertised with reduced qualifications.

29. Where posts are advertised and candidates interviewed outside the territory, it follows that these operations should be carried out on behalf of the Commission and, even before the Commission becomes executive, it should be responsible for drafting communications with officers and agencies overseas who carry out these operations on its behalf.

30. Where appointments to the public service are made on the results of examinations, the Commission will become responsible for the holding of these examinations. It will, at the beginning no doubt, make use of the existing machinery for the setting of papers, supervision, etc., but will find it necessary as matters progress to assume responsibility for the whole system and to expand the practice of recruitment by public examination whenever there is scope to do so.

31. Other posts may be filled from time to time by candidates returning from special scholarships or courses of training or study financed from public funds at an earlier date and designed to fit candidates for specific posts. In such cases the process of selection for the post takes place virtually when the scholarship or course is awarded. It follows that the award of such scholarships or courses must necessarily become a responsibility of the Commission. The decision to provide scholarships rests with the Government as a matter of policy and finance, though no doubt it would consult the Commission as to their nature and extent and the general desirability of providing them. The Commission's responsibility is to ensure that the conditions of award provide a fair basis for the selection of candidates. The actual selection must also be a matter for the Commission.

32. This is perhaps an appropriate point at which to refer to the activities often grouped together in overseas territories under the heading of "Recruitment" or "Recruitment and Training". Since some aspects of "Recruitment" are, in effect, identical with "appointment" it is clear that some of these activities fall within the Commission's responsibilities. At the same time there are connected activities such as the supervision of Government scholars, the organization of training courses, etc., which, though of close interest to the Commission, fall outside its legitimate scope and which, if conducted by the Commission, would probably result in the Commission's becoming subject to Ministerial criticism, if not direction, in these matters. As the Commission becomes established, it will be found that those activities which form a direct part of the process of selection for appointment can be clearly distinguished from the remaining part of "Recruitment" activities. The Commission must be satisfied with the method of selection of candidates, including their selection for special training with a view to appointment to the Public Service or for promotion within it, and to this extent its regulations should give it power to supervise the processes of recruitment and training. The Commission should thus be in a position to require that its approval shall be obtained for all schemes which may directly or indirectly affect its responsibilities and, in particular, for all awards of scholarships and courses which enhance a candidate's prospects of appointment to, or advancement in, the public service. This being so, it is better that the generality of activities grouped together under the heading of "Recruitment" (or "Recruitment and Training") should not be transferred to the responsibility of the Commission and that the head of the department concerned, while working in close touch with the Commission should not be a member of the Commission's staff. It is difficult for the Commission to maintain its independence if it accepts responsibility for activities which cannot be divorced from legitimate Ministerial control.

33. In regard to scholarships, it may be the case in some territories that the Commission will find that some form of scholarship selection board already exists which covers a wider field than that of scholarships intended to fill posts in the Government service. It should be for the Commission to work out a tactful relationship with any such body in the light of the principles already mentioned. It may in some cases be appropriate for a member of the Commission to join the selection board, provided nothing is done which impairs the Commission's ultimate responsibility within its proper field.

34. Passing now to a more detailed examination of the Commission's activities in respect of promotion, on receiving a recommendation for the promotion of an officer to a vacant post for which funds are available, the Commission should first consider what is the field from which the promotion should be made. Generally, this should be defined in some form of departmental scheme or scheme of service. An officer who joins the public service can reasonably expect to know the avenues of promotion open to him and it should be the concern of the Commission to see that schemes of service or similar documents containing information of this

kind are in existence in respect of the various grades and services in respect of which the Commission conducts recruitment.

35. Having satisfied itself as to the field of candidates to be reviewed, the Commission should then examine, with the aid of their confidential reports, the claims of the officers eligible for promotion. It should be a fixed rule that an officer is never promoted unless the Commission is satisfied beyond doubt that he is fit for promotion. If the officer recommended for promotion is to supersede officers senior to him, the Commission should also consider whether, in their view, the supersessions are justified. The Commission is responsible to the Government for producing an efficient service and it must be at pains to see that officers are fully capable of discharging the duties and responsibilities attached to their posts. On the other hand, the Commission cannot maintain a loyal and contented service unless there is general confidence that officers are judged fairly on their merits and that an officer is not rejected as unfit for promotion until he has had an opportunity of showing whether or not he has the qualities which would enable him to discharge the duties of a higher post. It is the Commission's task, in the light of local conditions and requirements, to hold a proper balance between the claims of seniority and special ability; it being understood of course that seniority of itself carries weight only when combined with established fitness for promotion. In general, it is safe to say that the higher the grade of the post the more the scales should be tilted in favour of outstanding ability. In discharging its responsibility for promotion, the Commission must have at its disposal accurate and up-to-date assessments of the officers concerned, and for this and other reasons it is desirable that the Commission should, at an early point, assume responsibility for the annual confidential report system.

36. Setting aside posts for which special qualifications such as language, knowledge of customs, etc., may restrict the field of candidates on a communal basis, the ideal situation is that in which all government posts are open to all candidates on a competitive basis. But in some territories such a system may, for example, prejudice the opportunities of a community whose educational standards are backward; or again, there may be political considerations which require that a fixed proportion of posts must be reserved for particular communities. Clear guidance in any such matters must be given to the Commission either by provision in the Constitution or by legislation.

37. Transfers that fall within the Commission's scope are dealt with under the procedure for appointments if no immediate increase in emoluments is involved: otherwise they are treated as promotions. The same considerations apply. That is to say, since the officer will improve either his long term or immediate prospects by the transfer the Commission must be satisfied that no one else is better qualified or has a better claim to the post, and that the officer himself is fully qualified for the post.

38. Passing on from appointments, promotions and transfers, it will be found that there are certain other aspects of a public officer's career which should be transferred to the protection of the Commission. These are set

out in Part IV of the specimen Regulations in Appendix A and comprise matters such as the selection of officers for termination of appointment when the number of posts in a grade has been reduced (by abolition), the extension and termination of probationary appointment, premature termination of contract, withholding of gratuity for unsatisfactory service by a contract officer, etc. It is also to be noted that the determination of seniority is controlled by the Commission—see the definition of seniority in Part I of the specimen Regulations.

39. There may be other similar matters in some territories, but the principle is clear; if a decision affects the career of an individual officer it should be brought within the scope of the Commission.

40. Last but not least comes the question of disciplinary control, termination of appointment and dismissal. Here the Commission's role is judicial. The Government lays down what a public officer in his official capacity may or may not do, that is to say it prescribes a code of conduct for the public service, keeping to a minimum interference with a public officer's legitimate liberty of action. The Commission's concern is to determine whether or not a particular officer has transgressed that code and, if so, what his punishment should be. The Commission has a two-fold responsibility. It has to ensure that the efficiency of the service is maintained by prompt and effective action against misconduct and inefficiency; it has equally to ensure that there is general confidence within the public service that public officers are not punished unless and until their guilt has been established. It is necessary, therefore, for the Commission to assume responsibility for all disciplinary procedural regulations and to consolidate these into a comprehensive procedural code which will become the only sanction for disciplinary action.

41. This code should provide for the delegation of powers to heads of departments and others, it should prescribe the procedure to be followed in disciplinary enquiries and should provide for the right of appeal. The Commission itself should not hold disciplinary enquiries.

42. The disciplinary requirements of different territories vary widely but there is no doubt that in most territories disciplinary matters cast a heavy burden on departmental officers, and there tends to be a feeling that disciplinary procedure is too complicated to be worth while except in the most serious cases. In taking over responsibility for discipline the Commission is faced with this problem. On the one hand it is important in the interests of efficiency to encourage prompt action against misconduct; on the other hand there must be no room for injustice. The Commission's disciplinary regulations must, for the reasons given, be detailed and comprehensive but equally, they should provide for as much delegation as local conditions permit. There should also be provision for a simple form of summary enquiry that will enable minor cases to be dealt with promptly on the spot. But in all proceedings there must be adherence to the fundamental principle that an officer shall not be punished until he has been informed of the complaint against him and given an adequate opportunity of defending himself. There should be a right of appeal in all cases to the Commission

(or through the Commission to the Governor, as may be appropriate) and, in order that it may be possible to consider the appeal on its merits, there must be an adequate record of what has taken place (though not, in the simpler cases, a full written enquiry). The Commission should do everything possible to ease the burden of disciplinary work falling on departments by ensuring that procedure is simplified to the greatest extent possible and that departmental officers fully understand the principles and requirements of the disciplinary regulations. It may be desirable to issue a simple guide to disciplinary proceedings on the lines of Appendix B.

43. Having done all that it can to assist departments in meeting their difficulties, the Commission must require an equal effort on the part of officers responsible for disciplinary matters. In modern conditions it has become increasingly necessary for these matters to be dealt with justly and efficiently at all levels if the morale of the public service is to be maintained. This cannot be done unless there is a proper understanding of disciplinary requirements by all officers who may be required to take disciplinary action.

The Range of Posts falling within the Commission's Responsibilities

44. Looking for the moment towards the final stage of self-government when the Governor becomes a constitutional Governor-General who acts only on the advice of his Ministers, it is clear that powers in respect of the public service that have not been, by that time, vested in an independent tribunal will necessarily become subject to ministerial control. It is important therefore that whatever may be the local conditions at the time of the introduction of the Public Service Commission, the question of excluding from its scope any particular posts or grades should be considered in the light of future developments, and that a sharp distinction should be drawn between those posts that are excluded because they must ultimately pass under political control and those which it may be considered expedient to exclude for the time being and reserve for the Governor's discretion but which are not appointments which should later pass under political control. Posts in the latter class should be brought as soon as possible within the sphere of the Commission (or of any other independent tribunal which may be contemplated—see paragraph 46) so that there may be no room for doubt or dispute as to the exercise of responsibilities in regard to them when self-government approaches and the Governor ceases to act in his discretion. Furthermore, once the Commission has become established as a specialist body it will be better equipped to tender advice to the Governor on these matters (appointments, promotions and discipline) than any other source.

45. Posts in the first category which would ordinarily be permanently excluded from the Commission's responsibilities are those such as the Attorney-General, private secretaries to Ministers, the Speaker's staff, the Auditor-General, etc.

46. Judicial posts are usually dealt with by a separate Judicial Services Commission. Special consideration has to be given to the position of disciplined or uniformed services which form part of the public service but which are administered under statutory provisions—such as, for example, the police and prisons services. To secure their independence from political control under self-government it is necessary to bring them under the control of an independent tribunal, whether it takes the form of a separate Commission or whether the departments concerned are dealt with by the

Public Service Commission under special regulations which take into account the special position and requirements of these disciplined bodies.

47. The ordinary run of public service posts should be dealt with by the Public Service Commission but much difficulty can arise in the case of posts of Permanent Secretary. These posts are public service posts, usually filled by promotion, but the nature of their duties and the close official relationship which must exist between the holders and their Ministers make it unreasonable to expect that appointments to these posts could be made successfully without reference to the views of Ministers. The exact procedure to be adopted is one for local agreement. From the public service point of view the desirable solution is that, under self-government, the appointments should be made through the medium of the Public Service Commission in consultation with the Prime Minister, that transfers within the grade should rest with the Prime Minister, but that removal from office should take place only after disciplinary process carried out by the Commission.

48. Special considerations apply to appointments to the higher posts in the public service, i.e., to the posts of Head of Mission in the Foreign or Commonwealth Service. While it is proper that virtually without exception all posts in the home public service should be subject to the Public Service Commission it is normal in almost all countries that the higher posts in the Diplomatic Service should be filled by, or in agreement with, the Prime Minister, who may wish for broad purposes of foreign policy to make special appointments to these posts, perhaps for limited periods, from outside the ranks of career officers in the public service. But while it will no doubt be left open to the Prime Minister to make and unmake appointments to these highest posts overseas it is important that where the appointments made are of career officers in the public service the general rights of these officers as members of the public service should be protected. There should therefore be constitutional provision that, before making his final recommendation to the Governor-General concerning one of these senior posts overseas, the Prime Minister should consult the Public Service Commission and that, if and when a permanent member of the public service appointed to such a post is removed from it, he should revert to his previous permanent rank in the public service and again become subject to the Public Service Commission; and if his removal from office is for disciplinary reasons this should be only on the advice of the Public Service Commission.

49. It is usual to exclude daily paid labour from the Commission's purview. Such labour is nowadays generally organised into Trade Unions and has its own means of protection.

Method of Operation

50. In general, the Commission's machinery is put into operation by means of recommendations submitted to it by departments in the manner provided in the regulations. The recommendations fall into various groups, depending on whether they are in respect of appointments, promotions, etc., and also depending on the grade of officer or post affected. A series of printed forms simplifies the task of making submissions to the Commission and ensures that all information required by the Commission accompanies the submission. Recommendations should be made to the Commission by heads of departments and forwarded through the Permanent Secretary supervising each department (if Ministers and Permanent Secretaries are in existence). It has been noted at an earlier point that the Commission must not act until it is satisfied that any financial or other sanction required by Government policy has been obtained. To ensure that this is so, the printed form (see Appendix C) in which recommendations are made to the Commission for the filling of vacant posts (whether by appointment or promotion) should provide for the form to be forwarded through the Head of the Establishments Department (or other appropriate authority) who is required to certify on it that funds are available and that there is no financial objection to the proposed action being taken.

51. Within the Commission, papers may be circulated to members under cover of a reference sheet (see Appendix D) on which the points for decision are briefly indicated. The preparation of references to the Commission is the responsibility of the Secretary acting under the Chairman's directions. It saves time and is generally more satisfactory if the reference sheet does not attempt to be too comprehensive: it should be complementary to the papers and not a substitute for them.

52. The reference sheet and papers should be circulated first to the Chairman, who records his view or suggests discussion, and then to each member in turn. Simple matters can generally be settled by the circulation of papers but it is open to any member to request discussion. If a difference of opinion is revealed by the circulation of papers it is nearly always desirable to discuss the matter before recording the final decision.

53. Meetings of the Commission are most important and should be held regularly and frequently. If the Commission is to succeed it must develop a unity of purpose based on a common desire among members to work together as a team and not as a collection of representatives of different interests. This is not always easy but it is greatly helped by frequent meetings at which differing views of members are fully and sympathetically

discussed. The Commission should, from the beginning, strive to reach decisions by agreement. A Commission whose decisions are habitually reached by majority votes supplemented by minority dissents will find it much more difficult to inspire the public service with confidence and respect. If the Commission consists of full-time members, meetings can of course be called whenever occasion demands, but it is desirable to have possibly two fixed meetings each week. The Secretary should be present at meetings and be responsible for preparing a draft record of the proceedings, which should be submitted to the Chairman for approval and thereafter circulated to members for confirmation.

54. Meetings also provide an invaluable opportunity for the Commission to keep in touch with Heads of Departments and Permanent Secretaries. It should be an accepted convention that the Commission does not reject advice tendered to it without first discussing the matter with the Head of Department and Permanent Secretary concerned. This not only ensures that the Commission fully understands the departmental point of view but it also enables the Head of Department and Permanent Secretary to gain a better appreciation of the considerations which weigh with the Commission. When officers appear before the Commission they should withdraw before the Commission finally records its decision.

55. The reference sheet, with the Commission's decision recorded on it in the form of advice to the Governor (when the Commission is an advisory body), is then submitted to the Governor. The advice should be framed in a form that embodies the directions to be issued in the event of the advice being accepted. While the Commission remains advisory, the directions necessary for the implementation of the decision are normally issued from the Governor's office, using some such form as . . . "the Governor after consulting the Public Service Commission has directed that . . .". The P.S.C. reference sheet with the Governor's order on it is returned to the Commission together with a copy of the directions issued.

56. When the Commission ceases to be advisory and becomes executive, the action to implement the order is taken in the Commission's Office. That is to say, the Commission's responsibility does not then end with the tendering of advice to the Governor; it has a responsibility to ensure that the decision is carried out. In order to discharge that responsibility it must be in a position to see that the necessary directions are actually issued to the departments which will carry them out. At this stage therefore the Commission should issue letters of appointment, promotion, etc., from its own office, and should correspond directly with recruiting agencies outside the territory—the Director of Recruitment, the Crown Agents and the recruitment officers of overseas agencies of the territory.

VII

Regulations

57. The statutory provision for the setting up of the Commission should provide for the making of regulations to govern all the Commission's activities. These regulations will thus have the force of law and must make comprehensive provision for all aspects of the Commission's life. These include matters such as

- (a) the exercise by the Commission of its functions,
- (b) consultation by the Commission with other persons,
- (c) the appointment, tenure of office, and terms of service of staff of the Commission,
- (d) the delegation to members of the Commission of powers and duties of the Commission,
- (e) definition and trial of offences connected with the functions of the Commission and the imposition of penalties for such offence,
- (f) protection and privileges of members in respect of the performance of their duties and the privilege of communications to and from the Commission and its members in case of legal proceedings,
- (g) the delegation to any authority or to any public officer, acting with or without the advice of the Commission, subject to such conditions as may be prescribed by regulations, of any of the powers vested in the Commission (or in the Governor or Governor-General and exercised on the advice or recommendations of the Commission).

Note: Such delegation is usually subject to an upper salary limit prescribed either in the regulations or in the statute itself.

58. In the first stage of the Commission's life the regulations are made by the Governor acting in his discretion, but by the time self-government has been reached the Commission must be empowered to make its own regulations, either in its own name or in the name of the Governor-General. This point is of the first importance, as the Commission will be unable to maintain its independence and its ability to protect the public service from political pressure if its regulations are subject to the approval of a political authority. The preparation of the regulations is necessarily the first step in the life of the Commission and it involves the transfer from the general orders and other local regulations of all provisions which affect matters now to be dealt with by the Commission. The Commission must be completely self-contained in respect of its regulations; the exercise of its functions must not be governed by rules or directions issued by other authorities and there must be an exact and statutory basis for the various particular

and general directions that it issues from time to time. The details of the regulations will vary in different territories but the underlying principles will be the same. A set of specimen regulations is therefore attached (Appendix A) to give a general indication of the ground to be covered. These specimen regulations represent what is required at an advanced stage of constitutional development when departments are grouped together into Ministries under the control of elected Ministers and are subject to the supervision of Permanent Secretaries who are responsible to their Ministers (except in respect of matters constitutionally reserved to the Commission). It will be appreciated that in territories in which this stage has not been reached a simpler and less comprehensive set of regulations may satisfy immediate needs and in all cases some modification may be necessary to meet local conditions. But the principles discussed in Chapter III of these Notes should be kept in mind. The following notes on the various sections indicate briefly points of particular interest.

REGULATIONS PART I: PRELIMINARY

59. This part contains the definitions of the terms and functions referred to in the regulations and must be complementary to such definitions as may be included in the statute setting up the Commission. The definitions of 'appointment', 'promotion' and 'transfer' are important as they define the limits of the Commission's responsibilities in these matters. It will be noted that 'appointment' includes an acting appointment. The definition of 'seniority' is also of interest in that it brings the ultimate responsibility for determining an officer's seniority within the responsibility of the Commission. Also included amongst the definitions is the statement of the limits of delegation of powers to heads of departments. Before the creation of the Commission, heads of departments exercise their powers (in relation to public officers) by virtue of a delegation which is generally embodied, implicitly or explicitly, in the General Orders or other government regulations. When the Public Service Commission comes into existence it becomes responsible for advising the Governor on the full range of appointments, promotions, etc., and it falls to the Commission to advise what part of these powers should continue to be delegated to heads of departments and what directions should be issued governing the exercise of such delegated powers. This is conveniently done in the regulations, both by stating the limits of the delegations and by requiring heads of departments to exercise such powers according to the principles and procedure set out in the regulations.

REGULATIONS PART II: PUBLIC SERVICE COMMISSION

60. This part covers the internal organization of the Commission. It confers a certain degree of privilege and protection of the Commission in respect of legal proceedings arising from the exercise of its functions. It empowers the Commission to require any public officer to appear before it and also to require the production of official documents. It prescribes

penalties for offences such as attempts improperly to influence the Commission or to supply false information to it. The unauthorized disclosure of information coming officially before the Commission is forbidden under penalty, whether by members of the Commission or any other person.

REGULATIONS PART III:

APPOINTMENTS, PROMOTIONS AND TRANSFERS

61. The regulations in this part set out in detail the principles and procedure governing these matters in respect both of posts falling within the powers delegated to heads of departments and those above that level. Posts which fall outside the scope of the Commission are excluded. The regulations do not make any reference to the Secretary of State, as they govern action only up to the point at which the Commission tenders advice (or recommendations) to the Governor. Acting appointments are treated in the same way as substantive appointments and the award of courses and scholarships designed to improve an officer's prospects of advancement are dealt with in the same way as promotions. Transfers within the scope of the Commission are treated as promotions if an increase in emoluments is involved, otherwise they come under the procedure for appointments.

REGULATIONS PART IV:

DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE.

62. This section illustrates how the Commission should assume responsibility for matters which may adversely affect the individual officer's career and which should not be subject to political direction.

REGULATIONS PART V: DISCIPLINE

63. The regulations in this part constitute the sole authority for disciplinary action and must necessarily be comprehensive. It will be seen that they embody much that at earlier stages will be found in general orders, financial regulations, local manuals of procedure and Colonial Regulations. For the purposes of discipline, it is convenient to divide officers into classes on (a) a salary basis and (b) on status, i.e., pensionable or non-pensionable. The precise salary figures will of course be related to the level of emoluments in the territory, but a specimen pattern is given as follows:

- (i) Pensionable officers whose salaries exceed [£600] p.a.,
- (ii) Pensionable officers whose salaries exceed [£220] p.a. (the point below which disciplinary control is delegated to heads of departments) and do not exceed [£600] p.a.,
- (iii) Pensionable officers whose salaries do not exceed [£220] p.a. (who are referred to as officers in respect of whom disciplinary control has been delegated),
- (iv) Non-pensionable officers whose salaries exceed [£220] p.a. (in respect of whom disciplinary control has not been delegated),

(v) Non-pensionable officers whose salaries do not exceed [£220] p.a. (in respect of whom disciplinary control has been delegated to heads of departments).

Provision is included for the Commission to consider appeals from decisions made by officers holding delegated powers and to direct the institution of disciplinary proceedings should it consider it necessary in any case in which such action has not already been taken. A simple form of procedure is prescribed for minor offences while a more detailed form of enquiry is necessary for more serious offences where the punishment may be severe. The essential principle underlying all the disciplinary regulations is that an officer should not be punished until his guilt has been established. He is entitled to know the charge against him and to have a reasonable opportunity of defending himself.

64. Provision is made for the interdiction of officers from duty provided that the interests of the public service require it and proceedings for dismissal (or criminal proceedings) have been or are about to be taken.

65. The withholding, stoppage and deferment of increment for unsatisfactory work is also covered in these regulations.

VIII

The Commission's Relationship with the Public Service

66. The Commission is in many ways the guardian of the public service and it cannot succeed in that role unless it secures the confidence and respect of all grades. When a Commission first begins to function there is often misconception in the service as to its exact powers and duties and it is desirable that the Chairman (alone or accompanied by other members) should visit the main service centres and meet representatives of departments and service associations and explain and discuss the functions of the Commission. It must be the Commission's object to inspire confidence that it is competent to protect the service from outside influences and that it has the information and means at its disposal to ensure that the service matters coming before it are dealt with impartially and efficiently. It must be remembered that virtually every decision made by the Commission affects the career of an individual officer and, in the conditions obtaining in overseas territories, there is considerable public interest in service matters, and one or two hasty or ill-conceived decisions by the Commission could greatly harm its standing with the service. If there appear to be any signs of a lack of confidence in the existing system of promotions and discipline, the Commission must apply itself to restoring that confidence. It should always be prepared to entertain service suggestions for the improvement of procedure, while making it clear that it will not entertain representations on behalf of individuals other than an officer's own representations. The confidential report system and discipline are dealt with in other chapters, but may be mentioned here as matters on which it is wise for the Commission to gauge the feelings of the service.

67. Turning from the Commission's relationship with the service as a whole to its relationship with heads of departments, it is appropriate here to stress a point which may not always be fully appreciated. In designing its procedure the Commission is bound to consider its long-term needs and build up its position, so that it will be able at a later date to protect the service from the stresses and strains of political pressure that may not have made themselves felt in the Commission's early days. The Commission therefore has to provide for the exercise of a reasonably close control over matters which may in the past have been largely left to heads of departments. Political pressure may be exerted at all levels of the administrative machine, and experience tends to show that it is not impossible for heads of departments to be the subjects of direct pressure in respect of appointments or promotions; their position is greatly strengthened if they are able to stress that they are responsible in these matters for observing strict rules of

principle and procedure laid down by the Commission. In the early days, when such a danger appears to be remote, there may be a tendency to regard the somewhat rigid control of the Commission as unduly fettering the discretion of heads of departments and frequent opportunities should be taken to explain the underlying objects of the procedure.

The Commission and the Permanent Secretaries

68. At the point in constitutional development at which departments are put under the control of elected Ministers, it is usual for the constitution to provide for the creation of posts of Permanent Secretary whose function is to exercise supervision over the departments in the charge of the Minister. The Permanent Secretary is a public officer; he gives to the departments such instructions as may be necessary to give effect to the Government's policy and he is responsible to the Minister for the efficient working of the departments. Having regard to his responsibilities vis-à-vis the departments, the Permanent Secretary must clearly be associated closely with the Commission's dealings with departments and it is desirable to require that all submissions from heads of departments should pass through the Permanent Secretary, who should be required to make his own recommendations. Permanent Secretaries should be invited to be present whenever heads of departments appear before the Commission and, in general, it should be the Commission's endeavour to see that Permanent Secretaries are kept fully informed of all that passes between their departments and the Commission. It should be established from the start that when Permanent Secretaries (and heads of departments) are exercising powers or functions delegated to them by or on behalf of the Commission they are responsible in these matters only to the Commission and the Governor and not to their Minister.

69. It will be noted that under the provisions of Regulation 15(1) of the specimen regulations, the written permission of the Governor (at a later stage it would be the Commission) is required for the disclosure of the contents of a Public Service Commission document to persons not directly concerned with them.

70. The Permanent Secretary also provides the channel through which the Commission can keep in touch with any legitimate anxieties the Minister may have as to the efficiency or needs of his departments or in regard to matters such as apparent delays in the filling of posts which, while falling within the Commission's responsibilities, may indirectly affect ministerial responsibility. It has to be remembered that the fact that the Commission's work falls outside ministerial knowledge and control tends to make it the convenient object of criticism for errors and failings for which it may not be responsible. It is necessary for the Commission to take note of this tendency and to lose no opportunity to counteract it. The Permanent Secretary can be of great assistance in promoting an understanding relationship between the Commission and the Minister.

The Commission and the Ministers

71. For the reasons already mentioned it is not to be expected that the advantages of the Public Service Commission system will spring as readily to the minds of Ministers and members of the Legislature as will the disadvantages. The effect of excluding the public service from ministerial responsibility may not at first be entirely agreeable to individual Ministers, even though the Government as a whole has accepted the principle that the public service should be free from political influence. Until there has been time for conventions and traditions to grow up, the Commission will be faced with the task of establishing a satisfactory relationship with the central Government. On the one hand, the Commission must not allow its position of independence to be undermined; on the other, it must seek to gain the confidence of Ministers not only that its decisions are impartial but that they are made in the best interest of the efficiency of the administration for which the Ministers themselves are responsible. There are bound to be cases in which the decisions of the Commission run counter to the wishes of individual Ministers; this is unavoidable. What is important is that the Prime Minister and the Cabinet should feel able to give the Commission its general support. The Commission cannot hope to exist indefinitely without that support; it must be accepted on its merits as a desirable feature of the Constitution. While, therefore, the Commission must in no way surrender its independence it must not be content to live in an ivory tower; it must devise ways and means of ensuring that Ministers understand its actions and are satisfied that it is serving the Government's best interests.

72. The use of Permanent Secretaries as a link between the Commission and Ministers is discussed separately. It is also desirable that the Chairman of the Commission, through the medium of the Governor in the early stages, should meet the Prime Minister at regular intervals to keep him informed, on general lines, of the work of the Commission. This also provides the opportunity for the discussion of any complaints which individual Ministers may have made against the Commission, or vice versa. A convention should if possible be established that there is no direct approach between individual Ministers and the Commission.

The Commission and the Legislature

73. While the Commission remains an advisory body the ultimate responsibility for the matters with which it deals will be constitutionally vested in the Governor acting in his discretion; so also will responsibility for the appointment and removal of members of the Commission. It follows therefore that any question or motion raised in Parliament in respect of the Commission or its work will be subject to the procedure and conventions applicable to matters lying within the Governor's discretion. When, under self-government, the Commission becomes an independent tribunal the position is different. The Commission is not in any way under the direction or control of the Cabinet and, in the exercise of its functions, it is not responsible to any Minister. But the Prime Minister will be responsible for advising the Governor-General on the appointment and removal (for cause assigned) of members of the Commission and it is therefore appropriate for the Prime Minister to answer for the Commission in Parliament to the extent to which it is necessary and proper for him to do so. It is inevitable that criticism of the Commission will be voiced from time to time in Parliament, and it is better that Parliamentary conventions should be developed to deal with such criticisms rather than that there should be any attempt to prevent such criticisms by statutory provisions. With the co-operation of the Ministers and the Speaker it should be possible to establish a parliamentary convention that criticism of the Commission must be in the form of a substantive motion which will be answered by the Prime Minister and that the Speaker will disallow questions about individual Public Service Commission decisions on the ground that no Minister has responsibility for them. This stresses the importance, to which reference has already been made, of the establishment of a special relationship with the Prime Minister by means of which the Commission can ensure that any legitimate ministerial criticism of the Commission can be ventilated and discussed as soon as it arises.

XII

Confidential Reports

74. The annual confidential report plays an important part in the Commission's work. If the reporting system is inadequate or unsatisfactory, the Commission will be handicapped in its efforts to discharge its responsibilities efficiently and the public service will lose confidence in the Commission. One of the early tasks of the Commission should be to examine the system and satisfy itself that it provides a satisfactory record, at all levels, of an officer's merits and ability. At some point before self-government, the Commission must assume full responsibility for the system and for the physical custody of the forms.

75. It is sometimes desirable to re-design the forms so as to ensure that they provide the exact information the Commission needs. The following points are of importance:

- (i) it is essential that the report should represent the assessment of the head of department and, in general, it should be signed by him or his deputy. But whoever may sign it, it is binding on the head of department;
- (ii) it is generally found desirable for one part of the form to be filled in by the officer in immediate charge of the officer concerned;
- (iii) a distinction should be drawn in the form between the way in which the officer performs the duties of his present grade and the reporting officer's view of his fitness for promotion;
- (iv) an adverse report on the discharge of his present duties should invariably be communicated to the officer;
- (v) a report that an officer is not fit for promotion should be supported by reasons, particularly if he is satisfactory in his present duties, e.g., the Commission would generally require to be satisfied that he has had an opportunity—by an acting appointment or otherwise—of assuming higher responsibilities;
- (vi) if heads of departments are to be expected to give their personal attention to confidential reports—and it is important that they should—then the report form must be made as brief as possible and all unnecessary details and repetition firmly excluded.

76. It should be a rule that the Commission should not consider recommendations for promotion and cognate matters unless the confidential reports of the officers concerned are before the Commission. The question of reports on heads of departments and Permanent Secretaries and the procedure to be adopted will constitute problems to be settled by the Commission before the final incidence of self-government in the light of local conditions. Two specimens of a shortened form are included in Appendix E.

Selection Boards and the Interviewing of Candidates

77. New appointments to the public service are very rarely made without the prior interviewing of the candidates. Where recruitment is by competitive examination, a competitive interview for which marks are awarded usually forms part of the examination. Where there is no examination and posts are filled after calling for applications by advertisement which prescribes a minimum qualification, the final selection is made after interview.

78. In a large public service it is not possible for the Commission itself to interview candidates for the whole range of posts, though it will certainly wish to interview all candidates for the higher posts. When the Commission does not interview candidates itself, it appoints selection boards to interview on its behalf. When a vacant post has been advertised and applications have been received by the Commission, the first step to be taken after the closing date for applications is to decide which of the candidates possess the qualifications prescribed in the advertisement. The usual course is for the Secretary (or an assistant) to prepare a tentative list and to submit it, together with all the applications, to one of the Commission members for confirmation. It is not the practice to consider candidates who are not qualified. On the other hand it is very desirable that all qualified candidates should be called for interview. If this is not done, unsuccessful candidates who have not been interviewed may feel that they have not had fair treatment and there may be a loss of confidence in the Commission.

79. The Commission will also, by now, have decided whether or not it will itself interview the candidates. If not, it will appoint a selection board to interview the candidates and make recommendations to the Commission. A selection board might, for example, consist of the Permanent Secretary of the Ministry concerned, the head of the department to which the appointment is to be made, and the head of another department in that Ministry. Where the post does not call for such senior officers, their deputies or assistants could be nominated. The Commission supplies a list of the candidates to be interviewed together with their application forms and the selection board makes its recommendations to the Commission. It is helpful for the Commission to supply the board with a secretary from the Commission's staff, and whenever possible the interviewing should be done on the Commission's premises so that it may be brought home to candidates that it is, in fact, the Commission which is dealing with the appointment.

80. A further possibility that may be appropriate in some circumstances is for a member of the Commission to be associated with the selection board, either as its chairman or in an advisory capacity.
81. The Commission should encourage heads of departments to appoint their own selection boards when considering appointments falling within their delegated powers.
82. When the Commission itself is interviewing candidates it may, in its discretion, be assisted by the presence of a head of department or technical officer as adviser.
83. Arrangements have sometimes to be made for candidates to be interviewed outside the territory. In the United Kingdom, the Commission will be glad in the early stages to make use of the existing machinery provided in the United Kingdom, but under self-government the Commission may well make its own arrangements through the office of the High Commissioner of the territory. But once responsibility for appointments has been transferred to the Commission, those who undertake this work overseas do so as the agents of the Commission.
84. A few general notes on interviewing may be useful. As in everything else the Commission does, not only must justice be done but it must be seen to have been done. At the end of the interview it is just as important that the candidate should feel that he has been given a fair test as it is that the Commission should be satisfied that they are able to assess his merits accurately. In the interview itself the first essential is to put the candidate at ease. It is impossible to over-estimate the nervous strain that many candidates suffer in the waiting room, and the Chairman should spend as long as may be necessary in putting the candidate at ease by asking him the simplest possible questions—his name, details of his early career as shown in his papers and his general interests. When the candidate has relaxed the Chairman should hand him over to each member in turn. He should be encouraged to give of his best by keeping him at ease; it is very rarely that anything is gained by contradicting him flatly or pressing him on matters in respect of which he makes no claim to knowledge. There may of course be cases where bluff or over-confidence have to be tested, but in general it is best to avoid drawing a candidate into argument or putting questions to him which may be suspected of having a catch in them.
85. Candidates should not be kept waiting unnecessarily; the time fixed for interviews should be adhered to and all candidates should be interviewed for approximately the same length of time. The Chairman should be at pains to see that the general standard and range of questions should be kept as constant as possible. When the candidate has left the room the Commission should decide on their assessment of him. If there are only a few vacancies and candidates the assessment can generally be made on the basis of an A+ to C— system of comparative grading. But if the interview forms part of a competitive examination or if there is a large number of candidates it is necessary to prescribe a maximum mark for the interview

and to award marks to the individual candidate. Modern practice tends to reject the system of allocating marks for various qualities and it is more usual to award to each candidate a total mark based first on the assessment of his general suitability for the post and, secondly, on his merits compared with other candidates of approximately the same qualities. To take an example:— if 100 marks are available, the first consideration is whether the candidate should be awarded marks in the 100 to 75 group; the 75 to 50 group and so on. Agreement having been reached on this point it is then decided how he should be placed in relation to other candidates already in that group. At the end of each day the results are reviewed and although it is not always possible to retain a clear recollection of every candidate after several days, it is nevertheless possible to maintain an adequate continuity.

Appendix A

SPECIMEN PUBLIC SERVICE COMMISSION REGULATIONS

[These Regulations, are drafted on the assumption that the constitution provides that the Governor is required to act on the advice of the Public Service Commission. On independence this form may change and the Public Service Commission may act in its own name.]

PART I—PRELIMINARY

Interpretation

1. These Regulations may be cited as the Public Service Commission Regulations, 19. . . .

2. In these Regulations unless the context otherwise requires

“appointment” means the conferment of an office of emolument in the public service, whether or not subject to subsequent confirmation, upon a person not in the public service; the grant of permanent and pensionable terms of service in a public office to a person recruited and serving on contract terms of service or in an unestablished capacity in a pensionable or non-pensionable public office; the engagement in a public office of a person on contract terms of service for a further period of service on the conclusion of his previous period of engagement on contract terms in the same or other public office; the permanent transfer to an office in the public service of a member of the Civil Service of the United Kingdom who is serving on temporary transfer in an office in the public service; the transfer of an officer serving in a public office to another office in the public service carrying the same salary or salary scale; the appointment of a public officer to act in any public office other than the office to which he is substantively appointed;

“the Chairman” means the person appointed under the provisions of section . . . of the Order as Chairman of the Commission and includes any temporary Chairman;

“the Clerical Class” means the general clerical staff and includes confidential assistants, stenographers and messengers;

- "the Commission" means the Public Service Commission constituted under the provisions of section . . . of the Order;
- "committee" means a committee appointed under the provisions of paragraph (2) of regulation 43 of these Regulations;
- "court" shall have the same meaning as is assigned to that expression in the Courts of Justice Law;
- "disciplinary control" includes control in so far as it relates to dismissal;
- "overseas officer" shall have the same meaning as is assigned to that expression in the Pensions Law;
- "Head of Department" means a person holding any of the offices listed in the First Schedule to these Regulations and such other persons, as may from time to time, by notice published in the Gazette, be accorded the equivalent status for the purposes of these Regulations by the Governor;
- "judicial officer" shall have the same meaning as is assigned to that expression in the Order;
- "Member" means any person appointed under the provisions of section . . . of the Order to the Commission, and includes any temporary Member;
- "miscellaneous officers" means public officers who
 - (i) are not Heads of Departments;
 - (ii) are not members of any Ministry;
 - (iii) have no Head of Department;
- "non-pensionable officer" includes an officer serving under a contract or agreement which does not provide for the payment of a pension;
- "office of emolument" in relation to the definition of public officer means any pensionable or non-pensionable post which is shown under a Personal Emolument sub-head in the Estimates;
- "official document" means any document or paper prepared by any public officer in the course of his employment or any document or paper which comes into the custody of any public officer in the course of such employment;
- "the Order" means the [insert short title of the Constitution Order in Council];
- "the Permanent Secretary" means the Permanent Secretary who exercises supervision over the Department concerned or over the Department in

which the officer concerned holds a post as the case may be;

"posts in respect of which the power to appoint and promote has been delegated" means posts carrying a salary scale the initial salary of which does not exceed £ ;

"promotion" means the conferment upon a person in the public service of a public office to which is attached a higher salary or higher salary scale than that attached to the public office to which he was last substantively appointed;

"public office", "public officer" and "public service" shall have the same meanings as are assigned to those expressions in relation to Part . . . of the Order except that the definition of the expression "office of emolument" used therein shall be limited to the meaning given thereto in these Regulations;

"Public officer in respect of whom disciplinary control has been delegated" means a public officer who is in receipt of a salary not exceeding the rate of [£220] per annum;

"salary" means basic salary;

"the Secretary" means the person appointed under these Regulations as Secretary of the Commission;

"Seniority" means the relative seniority of officers and except as may be otherwise provided by the Commission or in these Regulations shall be determinable and shall be regarded as having always been determinable as follows:

- (1) as between officers of the same grade,
 - (a) by reference to the dates on which they respectively entered the grade;
 - (b) if any officers entered that grade on the same day by reference to their seniority on the day immediately preceding that day;
 - (c) if any officers who entered the same grade on the same day did so by appointment and not by promotion (excluding promotion from a non-pensionable to a pensionable grade), their seniority relative to each other shall be determinable by reference to their respective ages;

- (2) as between officers of different grades;
on the same salary scale or the same flat rate of

salary, by reference to the dates on which they respectively entered their grades;

(3) as between officers of different grades on different salary scales, by reference to the maximum point on their salary scales, a flat rate of salary being regarded for this purpose as a salary scale with a maximum point equivalent to the flat rate;

Provided that when assessing the seniority of a pensionable public officer, service by himself or any other person in a non-pensionable capacity shall not be taken into account;

"Transfer" means the conferment, whether permanently or otherwise, of some public office other than that to which the officer was last substantively appointed, not being a promotion: but the posting of an officer between duty posts in the same grade shall not be regarded for this purpose as a transfer.

PART II: PUBLIC SERVICE COMMISSION

Appointment of and function of Secretary, etc.

3. (1) The Governor shall appoint a Secretary to the Commission, and shall authorise the appointment of such other staff as from time to time shall seem to him to be necessary. The Governor may grant leave of absence to the Secretary and during any such period of leave or any period of temporary absence or incapacity of the Secretary may appoint a person to act as temporary Secretary.

(2) The Secretary shall not be a Member of the Commission and his functions and duties shall be limited to matters of an administrative nature.

Delegation of powers

4. The Commission may by resolution delegate to the Chairman or other Member or Members any of the powers or duties of the Commission other than those functions set out in section . . . of the Order.

Quorum and voting

5. (1) Every meeting of the Commission shall be presided over by the Chairman, and the Chairman and one Member shall form a quorum for a meeting.

(2) Save as provided in regulation 7 of these Regulations all decisions of the Commission shall be by a majority of votes of the Members present and voting at a meeting of the Commission.

Provided that the Chairman shall have a second or casting vote whenever the voting shall be equal.

*Record of meetings
and decisions*

6. A record shall be kept of the Members present and of the business transacted at every meeting of the Commission. Any Member who is present at a meeting when a decision is made shall be entitled to dissent therefrom and to have his dissent and his reasons therefor set out in the record of such meeting.

Other decisions

7. Decisions may be made by the Commission without a meeting by circulation of the relevant papers among the Members and the expression of their views in writing and in such case the decision shall be the view of the majority of Members expressing a view.

Provided that if any Member requires that a decision on a matter being dealt with by circulation of the relevant papers shall be deferred until the subject matter shall be considered at a meeting of the Commission no decision shall be made on that subject except at a meeting of the Commission.

Provided further that where a Member dissents from a view recorded by a majority of Members on papers circulating for a decision the decision shall not be implemented until that Member records the reasons for his view.

*Privilege from dis-
closure in legal pro-
ceedings*

8. Any report, statement or other communication or record of any meeting, inquiry or proceedings which the Commission may make in exercise of its functions or any Member may make in performance of his duties, or in discharge of any duty to the Governor or to any public officer, shall be privileged in that its production may not be compelled in any legal proceedings if the Governor or the Head of a Department certifies that such production is not in the public interest.

*Protection of Mem-
bers from legal pro-
ceedings*

9. The Chairman and any Member shall have such and the like protection and privilege in case of any action or suit brought against him for any act done or omitted to be done in the execution of his duties under these Regulations as is by law given to the acts done or words spoken by a Judge of the Supreme Court in the exercise of his judicial office.

*Consultation with
persons other than
Members*

10. The Commission may require any public officer to attend and give evidence before it concerning any matter which it is required to consider in exercise of its functions under these Regulations and may require

the production of any official documents relating to any such matter.

Documents to be made available 11. Any public officer who submits any matter for the consideration of the Commission shall ensure that all relevant documents and papers are made available to the Commission.

Failure to comply with request of Commission 12. Any public officer who without reasonable excuse fails to appear before the Commission when notified to do so or who fails to comply with any request lawfully and properly made by the Commission shall be guilty of a breach of discipline and the Commission may advise the Governor that disciplinary proceedings should be instituted against him.

Improper influence 13. Any person who otherwise than in the course of his duty directly or indirectly by himself or by any other person in any manner whatsoever influences or attempts to influence any decision of the Commission or of the Chairman or of any Member shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

Provided that nothing in this regulation shall prohibit any person who may properly do so from giving a certificate or testimonial to any applicant or candidate for any public office or from supplying any information or assistance upon formal request by the Commission.

Penalty for supplying false information to Commission 14. Any person who in connection with any application by any person for employment or promotion in the public service, or with any matter upon which it is the duty of the Commission to advise the Governor or to make any decision, wilfully gives to the Commission or to any Member thereof, or to any person or body of persons appointed by any regulation or by any competent authority to assist the Commission in the exercise of its functions or the discharge of its duties, any information which he knows to be false or does not believe to be true, or which he knows to be false by reason of the omission of any material particular, shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

Unauthorised disclosure or use of information

15. (1) Neither the Chairman or any Member nor any other person shall without the written permission of the Governor publish or disclose to any person otherwise than in exercise of his functions under these Regulations the contents of any document, communication or information whatsoever which has come to his notice in the course of his duties under these Regulations in respect of any matter referred to the Commission or dealt with by an officer holding a delegated authority, and any person who knowingly acts in contravention of this regulation shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

(2) If any person having possession of any information which to his knowledge has been disclosed in contravention of the provisions of sub-regulation (1) of this regulation publishes or communicates to any other person otherwise than for the purpose of any prosecution or proceedings under these Regulations any such information, he shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding one year or to both such fine and imprisonment.

PART III: APPOINTMENTS, PROMOTIONS AND TRANSFERS

General functions of the Commission with regard to appointments, promotions and transfers

16. The Commission shall make recommendations to the Governor on the following:

- (i) appointments, promotions and transfers of public officers (other than the Deputy Governor, Judges and Judicial officers, the Attorney-General, the Auditor-General and officers in respect of whom the Governor has delegated his powers of appointment, promotion and transfer);
- (ii) petitions by public officers to whom these Regulations apply to the Governor against decisions by him, by Heads of Departments and by other public officers in respect of appointments, promotions and transfers.

Supervision of recruitment

17. In order to discharge its duties under the preceding regulation the Commission shall exercise supervision over and approve all schemes for admission to any public office by examination, for the

award of scholarships for special training for the public service, and over all other methods of recruitment including the appointment and procedure of Boards for the selection of candidates.

Advertisement of vacancies

18. Where vacancies are not to be filled by the normal processes of promotion as laid down in an approved scheme of service or by the results of examinations or scholarships prescribed by any approved scheme, the existence of the vacancies shall, unless the Commission otherwise directs, be notified to the public by advertisement in time to enable candidates to make application in accordance with such advertisement.

Principles and procedure applicable to selection for promotion

19. (i) In considering the claims of persons in the public service for promotion, merit and ability shall be taken into account as well as seniority, experience and official qualifications.

(ii) Recommendations made to the Commission for promotion shall state whether the person recommended is the senior officer in the department or grade eligible for promotion and, where this is not the case, detailed reasons shall be given in respect of each person in that same department or grade over whom it is proposed that the person recommended should be promoted.

Maintenance of an annual confidential report system

20. In order to discharge its duties under regulation 19 the Commission may issue such directions as it may see fit for the maintenance of a system of annual confidential reports on public officers and for their safe custody.

Principles and procedure applicable to selection for acting appointments

21. The procedure for making acting appointments shall be the same as that prescribed in these Regulations for making a promotion. When recommending to the Commission an acting appointment, it should be stated whether or not the officer recommended for acting appointment is in every way qualified to perform all the duties of the office in which he is to act.

Selection for scholarships and courses

22. The procedure for making appointments shall be followed where it is desired to select an officer for a scholarship or a special course of training which is designed to fit him for a higher post or which may enhance his qualifications for promotion.

Procedure for transfers

23. Transfers shall be dealt with under the procedure for promotion when an increase in emoluments is

involved and under the procedure for appointments when there is no immediate increase in emoluments.

Procedure in cases of urgency 24. When it is necessary to make an appointment, promotion or transfer of a public officer, the procedure in the subsequent regulations in this Part of these Regulations shall be followed except that where any delay involved in carrying out such procedure is likely to cause serious inconvenience the Permanent Secretary shall report the matter to the Chairman who may as a matter of urgency recommend an acting appointment without regard to that procedure.

Detailed procedure for appointments, promotion and transfers 25. The appointment, promotion and transfer of public officers to whom these Regulations apply shall be made by the Governor (except where the power to appoint, promote and transfer has been delegated) and the following procedure shall be followed:

(i) As soon as it is known that a vacancy will occur in the post of "Head of Department" the holder of that post shall without delay report the matter to the Permanent Secretary and make recommendations. If for any reason the Head of Department is unable to report the vacancy, the officer acting for such Head of Department or the next senior officer in the department shall make the required report.

(ii) Upon receipt of the report referred to in paragraph (i) the Permanent Secretary shall communicate to the Secretary in writing his recommendations regarding the filling of the vacancy.

(iii) The Head of Department shall report to the Permanent Secretary without delay the creation of a new post or any impending vacancy in an existing post in his department other than that of a Head of Department. The report shall include a recommendation as to how the post should be filled and whether or not the post should be advertised.

The Head of Department shall, as may be required by the special or general directions of the Commission, constitute Promotion Advisory Boards to advise him on the matter.

(iv) Upon receipt of the report referred to in paragraph (iii) the Permanent Secretary shall verify from the Establishment Secretary that there

is no establishment or financial objection to the filling of the post and shall forward the report to the Secretary together with his own recommendation in the matter.

In the case of a department over which a Permanent Secretary does not exercise supervision the Head of Department shall forward the report direct to the Secretary, having verified in like manner that there is no establishment or financial objection to the filling of the post.

(v) If the Commission requires that the post should be advertised, the Permanent Secretary shall submit an advertisement to the Commission for approval and publication, having first obtained the concurrence of the Establishment Secretary in its terms. The Commission shall arrange for the publication of the advertisement and shall consider the replies to the advertisement in the light of the recommendations made on the applications by the Head of Department and the Permanent Secretary.

(vi) When the vacancy is likely to involve the recruitment of an overseas officer the Permanent Secretary shall report to the Commission on the availability of qualified local officers and on the arrangements for the training of local candidates for such posts.

(vii) In the case of vacancies among miscellaneous officers to which this regulation applies, the necessary report shall be transmitted to the Secretary by the Establishment Secretary.

(viii) The Commission shall decide whether a Selection Board shall be constituted to interview candidates, what the composition of any such Board shall be and the form in which the report of such Board shall be submitted to the Commission. The Commission may, if it sees fit, summon any of the candidates for interview by the Commission.

Procedure for the exercise of delegated powers

26. (i) Subject to any special or general directions by the Commission, Heads of Departments are authorized to make appointments and promotions to all pensionable or non-pensionable posts the power to appoint to which has been delegated to them. In exercising these powers Heads of Depart-

ments are required to follow the general principles set out in the preceding regulations in this section. (ii) Heads of Departments may set up Appointments and Promotions Advisory Boards to advise them in the exercise of these powers. These Boards will be constituted in accordance with directions issued by the Commission from time to time.

PART IV: DETERMINATION OF APPOINTMENTS AND EXTENSION OF PROBATIONARY SERVICE

*Termination of
appointment on
abolition of office*

27. Where a post, which is one of a number of such posts, has been abolished but one or more such posts remain the Head of Department shall

- (a) if the post is one in respect of which the power to appoint, promote and transfer has been delegated, determine which substantive holder of such posts shall have his appointment terminated, and
- (b) in any other case make a report thereon to the Permanent Secretary concerned or to the Establishment Secretary, as appropriate, making his recommendations with reasons therefor as to which substantive holder of such posts shall have his appointment terminated; the Permanent Secretary or Establishment Secretary, as the case may be, shall forward such report to the Secretary with his observations thereon and the Commission shall make its recommendation thereon to the Governor.

*Termination of non-
pensionable appoint-
ments*

28. If it appears to a Head of Department that the appointment of a non-pensionable public officer should be terminated (otherwise than as provided in regulation 27, 30 or 56 of these Regulations) the Head of Department shall, in writing, set out the reasons and require the officer to show cause, in writing, why his service should not be terminated; if no reply is received by the Head of Department within one month of the receipt thereof or if the Head of the Department considers that no adequate cause has been shown

- (a) in the case of an officer in respect of whom disciplinary control has been delegated, the Head of Department may terminate the appointment;
- (b) in the case of any other officer, the Head of Department shall report the case, giving his reasons and forwarding any representations made by the officer to the Permanent Secretary or, to the

Establishment Secretary, as appropriate, and such officer shall forward the report together with his recommendation to the Secretary; and the Commission shall recommend to the Governor whether the appointment should be terminated.

Probationary appointments

29. (1) Where a public officer holds a probationary appointment, six months before the expiration of the probationary appointment the Head of Department shall consider whether such officer should on such expiration be confirmed in a pensionable post, whether a further period of probationary service is necessary to determine whether the officer should be so confirmed or whether the officer should not remain in the public service. If the officer is one whom the Head of Department may dismiss he shall act according to his opinion in the matter. In other cases if the Head of Department is of opinion that the period of probationary service should be extended or that the officer should not remain in the public service the Head of Department shall report the matter together with his reasons therefor to the Permanent Secretary or, to the Establishment Secretary, as appropriate, and such officer shall forward the report to the Secretary with his observations; and the Commission shall make its recommendation to the Governor upon the matter.

(2) Where a public officer holds a probationary appointment and the Head of Department at any time during the period of such probationary appointment is of opinion that such appointment should be terminated, the Head of Department shall follow the procedure required in paragraph (1) of this regulation where he is of opinion that an officer holding a probationary appointment should not remain in the public service.

(3) Before either reaching a final conclusion, or deciding to report to the Permanent Secretary, as the case may be under the provisions of paragraph (1) or (2) of this regulation, that a further period of probationary service by an officer is necessary, that an officer should not remain in the Service or that an officer's probationary appointment should be terminated the Head of Department shall, if it appears *prima facie* that such a conclusion may be reached or that such a report may be required, call upon the officer concerned to submit his representations on the matter.

Premature termination of contract and withholding of gratuities

30. (1) Where a public officer is serving under a contract which provides for the termination of that contract by notice before the expiration of the period of service stipulated in the contract

(a) in cases where to dismiss such officer under these Regulations the Commission is required to make recommendations to the Governor, and the officer's Head of Department is of opinion that such contract should be so terminated, he shall report the matter to the Permanent Secretary or to the Establishment Secretary, as appropriate, together with the reasons for such course; and the Permanent Secretary or the Establishment Secretary as the case may be shall forward the report to the Secretary with his recommendations; and the Commission shall recommend to the Governor whether such course should be taken;

(b) In other cases the officer or authority empowered to dismiss such officer may terminate the contract.

Provided that where it appears to the Permanent Secretary or the Establishment Secretary as the case may be or the authority empowered to dismiss that there is any doubt whether under the terms of the contract such termination can be lawfully effected the Permanent Secretary or the authority empowered to dismiss as the case may be shall refer the case to the Attorney-General for advice.

(2) Where a public officer is serving under a contract which provides for the payment of a gratuity on completion of satisfactory service

(a) in cases where to dismiss such officer under these Regulations the Commission is required to advise the Governor, and the officer's Head of Department is of opinion that no gratuity or part only of such gratuity should be paid, he shall report the matter to the Permanent Secretary or to the Establishment Secretary, as appropriate, together with the reasons for such course; and the Permanent Secretary or the Establishment Secretary as the case may be shall forward the report to the Secretary with his recommendations; and the Commission shall recommend to the Governor whether such course should be taken;

(b) in other cases the officer or authority empowered to dismiss such officer may refuse to authorise the payment of such gratuity or part thereof.

PART V: DISCIPLINE

*A. General**Functions of the Commission with regard to discipline*

31. (1) The Commission shall make recommendations to the Governor on such questions regarding the disciplinary control of public officers other than the Deputy Governor, Judges of the Supreme Court, Judicial Officers and the Auditor-General as are required to be submitted to the Governor for his orders.

(2) The Commission shall make recommendations to the Governor on petitions by public officers against decisions made by him and on appeals against the orders of Heads of Departments or other public officers who exercise powers of disciplinary control under the provisions of these Regulations in disciplinary matters.

(3) In any case which comes to the attention of the Commission, if the Commission is of opinion that disciplinary proceedings should be instituted against a public officer the Commission may, notwithstanding the provisions of these Regulations, direct the Permanent Secretary to initiate such proceedings; Provided that before giving such a direction in a case in which it appears that an offence against any law may have been committed the Secretary shall refer the case to the Attorney-General; and the Attorney-General shall inform the Secretary whether the case is that a prosecution should be instituted; and if the Attorney-General advises that a prosecution should be instituted the Commission shall not give such a direction before the conclusion of the prosecution.

Regulations to govern disciplinary procedure

32. (1) All acts of misconduct by public officers shall be dealt with under this part of these Regulations as soon as possible after the time of their occurrence.

(2) Any case not covered by these Regulations shall be reported to the Secretary and the Commission may issue instructions as to how the case shall be dealt with, and the case shall be dealt with accordingly.

Grounds for criminal prosecution

33. When a preliminary investigation or a disciplinary inquiry discloses that an offence against any law may have been committed by a public officer, the Head of the Department, unless action by the Police has been or is about to be taken, shall, through the Permanent Secretary, consult the Attorney-General

as to whether a prosecution should be instituted and, if he does not advise a prosecution, as to whether disciplinary action should be taken or continued under the appropriate regulation. In the latter case the charges framed against the officer shall be approved by the Attorney-General before the officer is required to answer them or before the inquiry proceeds.

*No disciplinary
action while criminal
proceedings pending*

34. If criminal proceedings are instituted against a public officer in any Court, proceedings for his dismissal upon any grounds involved in the criminal charge shall not be taken until the conclusion of the criminal proceedings and the determination of any appeal therefrom.

*Disciplinary action
after acquittal on a
criminal charge*

35. A public officer acquitted of a criminal charge in any Court shall not be dismissed or otherwise punished on any charge upon which he has been acquitted, but nothing in this paragraph shall prevent his being dismissed or otherwise punished on any other charges arising out of his conduct in the matter, unless the charges raise substantially the same issues as those on which he has been acquitted.

*Copies of evidence
of inquiries*

36. A public officer in respect of whom a disciplinary inquiry is to be held shall be entitled to receive a free copy of any documentary evidence relied on for the purpose of the inquiry, or to be allowed access to it. He may also be given a copy of the evidence (including documents tendered in evidence) after the inquiry is closed, on payment of one shilling for each document tendered in evidence and a charge of sixpence for every hundred words after the first hundred words of the record of evidence, for a copy of that record:

Provided that no copies of office orders, minutes, reports, or recorded reasons for decisions shall be issued to him.

Appeals

37. (1) An appeal by a public officer shall lie to the Governor against an order made in relation to him in disciplinary proceedings by a Head of Department or other public officer exercising powers of disciplinary control under the provisions of these Regulations; except that no appeal shall be entertained in any case unless it is received within six weeks of the date upon which the decision is addressed to the officer:

Provided that the Commission may entertain an appeal out of time if in the opinion of the Commission the circumstances warrant it.

(2) Only one such appeal shall be allowed:

Provided further that a second appeal within one year of the date upon which the decision appealed against is addressed to the officer may be admitted if the Commission is satisfied that there appear in the second appeal new and material facts which might have affected a former decision, and if adequate reasons for the non-disclosure of such facts at an earlier date are given.

(3) On communicating to an officer an award there shall also be communicated the fact that an appeal may be lodged within six weeks thereafter.

Provided that failure to communicate such fact shall not invalidate the award.

Delegated powers of public officers

38. Public officers referred to in the Second Schedule to these Regulations, may exercise

(a) in so far as they are referred to in Part I of that Schedule, powers of disciplinary control of non-pensionable public officers in accordance with the provisions of regulations 57 and 58 of these Regulations:

(b) in so far as they are referred to in Part II of that Schedule powers to hold disciplinary inquiries and investigations in accordance with the provisions of regulations 44, 47, 48, 53, and 56 of these Regulations.

Provided that such power shall not imply any power to reach any final decision or award punishment, such decision and the award of punishment being made in accordance with these Regulations by the Head of Department except where, as required by these Regulations, it is to be made by an authority superior to the Head of Department.

Interdiction

39. (1) If in any case the authority empowered by regulation 43, 46, 47, 50, 55, 56 or 58 of these Regulations to dismiss any public officer shall consider that the interests of the public service require that such public officer should cease forthwith to exercise the powers and functions of his office, the authority may interdict him from the exercise of those powers and functions, if proceedings for his

dismissal are being taken or are about to be taken or if criminal proceedings are being instituted against him.

(2) An officer who is interdicted shall, subject to the provisions of regulation 40 of these Regulations, receive such emoluments, not being less than one half, as the authority empowered to dismiss him shall think fit.

(3) If the disciplinary proceedings do not result in the officer's dismissal or other punishment the whole of the emoluments withheld from him shall be restored to him when the final decision is made. If the punishment is other than dismissal he may be refunded such proportion of the emoluments withheld from him as the authority empowered to dismiss him may think fit.

Non-payment of salary on conviction on a criminal charge

40. A public officer adjudged by a Court to be guilty of a criminal charge shall not receive any emoluments from the date of such judgment pending the decision of the authority who is empowered to dismiss him.

Interdicted officers not to leave the territory

41. An officer who is under interdiction may not leave the territory without the permission of the officer who interdicted him or of any superior officer having authority over the interdicted officer.

Punishments

42. (1) The following are the punishments which may be ordered as a result of proceedings under this Part of these regulations:

- (a) Dismissal;
- (b) Reduction in rank; reduction in salary;
- (c) Deferment of increment;
- (d) Stoppage of increment;
- (e) Reprimand;

Provided that nothing in this paragraph shall limit the powers conferred hereinafter in these Regulations to require a public officer to retire from the public service on the grounds of public interest.

Retirement in the public interest

(2) Notwithstanding the provisions of paragraph (1) of this regulation, on completion of proceedings instituted for the dismissal of a public officer

- (a) the Head of Department in the case of a non-pensionable officer in respect of whom disciplinary control has been delegated and
- (b) the Governor in other cases

may, if of opinion that the officer does not deserve to be dismissed but that the proceedings disclose grounds for requiring him to retire in the public interest, require him to do so.

(3) Where a Head of Department is of opinion that paragraph (2) of this regulation should be applied to a public officer, not being a non-pensionable public officer in respect of whom disciplinary control has been delegated, he shall forward the proceedings together with his recommendation to the Permanent Secretary who shall refer the case, giving his opinion thereon, to the Secretary; and the Commission shall, after causing such further inquiry to be made as appears necessary, recommend to the Governor whether the officer should be required to retire.

*B. Pensionable Officers whose Salaries Exceed
[£600] Per Annum*

Proceedings for dismissal of a pensionable officer whose salary exceeds [£600] per annum

43. (1) Whenever a Permanent Secretary considers it necessary to institute proceedings against a pensionable public officer whose salary exceeds the rate of [£600] per annum and who is serving in a department under his supervision, on the ground of misconduct which if proved would justify his dismissal from the public service, he shall cause such preliminary investigation as he considers necessary to be made, and in the case of a Permanent Secretary other than that in the office of the [(a)] report the facts to the Permanent Secretary in the Office of the [(a)] together with his recommendations. The Permanent Secretary in the Office of the [(a)] shall, after considering the results of his preliminary investigation or of the report as the case may be

(a) if he considers that charges should be framed against the officer and after consulting the Attorney-General as to the terms of the charge or charges, forward to the officer a statement of the charge or charges framed against him together with a brief statement of the allegations, in so far as they are not clear from the charges themselves, on which each charge is based; and shall call on the accused officer to state in writing before a day to be specified any grounds on which he relies to exculpate himself; or

(b) if he considers that, if the offence is proved, some penalty other than dismissal is likely to be appropriate, shall arrange for the procedure described in regulation 44 or 45, as the case may be, of these Regulations to be followed.

(a) Insert the title of the Minister who is generally responsible for the public service—presumably either the Prime Minister or the Minister of Finance.

(2) If the officer does not furnish a reply to any charge forwarded under sub-paragraph (a) of paragraph (1) within the period specified, or if, in the opinion of the Permanent Secretary in the Office of the [(a)] he fails to exculpate himself, the Permanent Secretary in the Office of the [(a)] may cause a committee to be appointed to inquire into the matter. One member of the Committee shall be a judge, magistrate or a public officer with legal qualifications who shall be chairman. The head of the officer's department shall not be a member of the committee.

(3) The Committee shall inform the accused officer that on a specified day the charges made against him will be investigated by them and that he will be allowed or, if the Committee shall so determine, will be required, to appear before it to defend himself.

(4) If witnesses are examined by the Committee the accused officer shall be given an opportunity of being present and of putting questions on his own behalf to the witnesses, and no documentary evidence shall be used against him unless he has previously been supplied with a copy thereof or given access thereto.

(5) The Committee shall in their discretion permit the Permanent Secretary concerned or the accused officer to be represented by a public officer or a legal practitioner, provided that where the Committee permit the Permanent Secretary to be so represented they shall permit the accused officer to be represented in the same manner.

(6) If during the course of the inquiry grounds for the framing of additional charges against the accused officer are disclosed the Committee shall inform the Permanent Secretary concerned of the same and, if he thinks fit to recommend proceeding against the accused officer upon such grounds, the same procedure shall be followed in respect of additional charges as was adopted in respect of the original charges.

(7) The Committee, having inquired into the matter, shall forward their report thereon to the Secretary, accompanied by the record of the charges framed, the evidence led, the defence, and other proceedings relevant to the inquiry.

(a) See footnote on page 50.

(8) The Commission, after consideration of the report of the Committee, may, if it is of opinion that the report should be amplified in any way or that further investigation is desirable refer the matter back to the Committee for further investigation and report. Normally the Commission shall forward the written proceedings of the inquiry to the Governor together with its recommendation as to the punishment, if any, which should be inflicted on the accused officer. The decision on each charge preferred against the accused officer shall be communicated to him (but not the reasons for the decision).

Proceedings against a pensionable officer whose salary exceeds [£600] per annum for misconduct not warranting dismissal

44. (1) Where a Permanent Secretary considers it necessary to institute disciplinary proceedings for misconduct against a pensionable public officer serving in a department under his supervision whose salary exceeds the rate of [£600] per annum but is of the opinion that the misconduct alleged is not serious enough to warrant proceedings under Regulation 43 he shall cause such preliminary investigation as he considers necessary to be made, and in the case of a Permanent Secretary other than that in the Office of the [(a)] report the facts to the Permanent Secretary in the Office of the [(a)] together with his recommendations. The Permanent Secretary in the Office of the [(a)] shall, after considering the results of his preliminary investigation or of the report as the case may be

- (a) if he considers that the facts provide a *prima facie* case against the officer and is of the opinion that the misconduct alleged is not serious enough to warrant proceedings under Regulation 43 forward to the officer a statement of the charge or charges against him and shall call upon him to state in writing before a day to be specified, any grounds on which he relies to exculpate himself;
- (b) if the officer does not furnish a reply within the period specified or does not, in the opinion of the Permanent Secretary in the Office of the [(a)], exculpate himself, the Permanent Secretary in the Office of the [(a)] shall forward to the Secretary copies of reports on the case, the charges, the officer's reply, if any, together with his own comments;
- (c) if, on consideration of the report, including the grounds, if any, upon which the officer relies to exculpate himself, the Commission is of the

(a) See footnote on page 50.

opinion that no further investigation is necessary, it may forthwith report the facts to the Governor together with a recommendation as to the penalty, if any (other than dismissal), which should be inflicted on the officer;

(d) if the Commission, on consideration of the report submitted to it by the Permanent Secretary in the Office of the [(a)], is of the opinion that the matter should be further investigated, it shall make a recommendation to the Governor as to the manner in which the allegations against the officer should be investigated;

(e) in any such investigation an officer to whom this regulation applies shall be entitled to know the whole case against him and shall have an adequate opportunity of making his defence;

(f) the results of such investigation shall be communicated to the Commission in such manner as may be ordered by the person conducting such investigation;

(g) the Commission may, if it considers the results of the investigation should be amplified in any way or that further investigation is desirable, refer the matter back to the person conducting such investigation for further inquiry and report;

(h) the Commission shall forward to the Governor the proceedings against the officer and shall make a recommendation to the Governor as to what punishment, if any (other than dismissal, but including retirement from the service under regulation 45), shall be inflicted on the officer.

(2) Notwithstanding the provisions of this regulation, if at any stage during proceedings taken under it—

(a) it appears to the Permanent Secretary in the Office of the [(a)] that the offence, if proved, would justify dismissal; or

(b) the Permanent Secretary in the Office of the [(a)] considers that if the offence is proved, proceedings for the retirement of the officer from the service on grounds of public interest would be more appropriate,

such proceedings shall be discontinued and the procedure in regulation 43 or 45, as the case may be, shall be followed.

(a) See footnote on page 50.

Proceedings against pensionable officer whose salary exceeds [£600] per annum for retirement in the public interest

45. (1) Notwithstanding the provisions of regulations 43 and 44 of these Regulations, if a Permanent Secretary considers that it is desirable in the public interest that a pensionable public officer serving in a department under his supervision whose salary exceeds the rate of [£600] per annum should be required to retire from the public service on grounds which cannot suitably be dealt with under regulation 43, he shall, in the case of a Permanent Secretary other than that in the Office of the [(a)] report the fact to the Permanent Secretary in the Office of the [(a)] together with his comments thereon.

(2) The Permanent Secretary in the Office of the [(a)] may obtain from any public officer under whom such public officer has served a report as to his work and conduct, and may allow any such officer to consider such reports and to show cause why he should not be retired from the public service.

(3) If the Permanent Secretary in the Office of the [(a)], after considering the officer's statement and having regard to all the circumstances of the case, is of the opinion that such officer should be retired from the service in the public interest, he shall forward to the Secretary any report obtained under the preceding paragraph and the statement of the officer, together with his own recommendation. The Commission shall recommend to the Governor whether or not the officer should be retired.

In every such case the question of pension will be dealt with by the appropriate authority under the appropriate law.

Criminal conviction of a pensionable officer whose salary exceeds [£600] p.a.

46. If a pensionable public officer whose salary exceeds the rate of [£600] per annum is adjudged guilty of a criminal charge in a Court the Head of Department shall bring the matter together with his recommendation as to penalty to the notice of the Permanent Secretary, who shall report the matter to the Secretary with his recommendation as to penalty. A copy of the charge or charges and of the judgment (and the proceedings of the Court if available) shall be forwarded to the Secretary. The Commission shall consider the judgment (and the proceedings if available) and if it is of opinion that the officer should be dismissed or subjected to some lesser disciplinary penalty on account of the conviction for the offence

(a) See footnote on page 50.

of which he has been adjudged guilty, the Commission shall recommend to the Governor that such penalty should be inflicted without following the procedure prescribed in regulation 43 or 44 of these Regulations.

C. Pensionable Officers whose salaries exceed [£220] per annum (the point below which disciplinary control is delegated) and do not exceed [£600] per annum.

Proceedings for dismissal of a pensionable officer whose salary exceeds [£220] p.a. but does not exceed [£600] p.a.

47. (1) Whenever a Head of Department considers it necessary to institute disciplinary proceedings against a pensionable public officer in respect of whom disciplinary control has not been delegated but whose salary does not exceed the rate of [£600] per annum, and is of the opinion that the misconduct alleged is serious enough to warrant a dismissal, he shall, after such preliminary investigation as he may consider necessary, frame charges in writing against the officer. The charges shall be communicated to the officer in order that he may have a full opportunity of exculpating himself. If he does not avail himself of this opportunity, or if the Head of Department does not consider that the officer has exculpated himself, the Head of Department shall arrange for a public officer holding powers of inquiry under the provisions of these Regulations to hold an inquiry at which the accused officer shall be permitted to be present and shall be allowed to cross-examine the witnesses, if any. The accused officer shall also be allowed access to all documentary evidence against him and shall be allowed to adduce witnesses in his defence. The Attorney-General may be consulted by the Head of Department concerned as to the charges to be preferred. The public officer holding the inquiry may in his discretion permit the Head of Department or the accused officer to be represented at the inquiry by a public officer or a legal practitioner, provided that where the officer holding the inquiry permits the Head of Department to be so represented he shall permit the accused officer to be represented in the same manner.

(2) If as a result of an inquiry held in accordance with the provisions of paragraph (1) of this regulation the Head of Department considers it necessary to inflict on the accused officer any penalty, he shall forward a copy of the charges and evidence and of the finding on each charge together with his recommendations to the Permanent Secretary who:

- (a) may either inflict such penalty short of dismissal as he thinks in the circumstances to be proper; or
 (b) if he considers that dismissal is necessary, shall forward the case to the Secretary with his recommendations.

The Commission after considering the proceedings and recommendations shall recommend to the Governor what penalty, if any, it considers should be inflicted on the officer. The decision made on each charge preferred against the accused officer shall be communicated to him (but not the reasons for the decision).

Proceedings for misconduct not warranting dismissal against a pensionable officer whose salary exceeds [£220] p.a. but does not exceed [£600] p.a.

48. (1) Whenever a Head of Department considers it necessary to institute disciplinary proceedings against a pensionable public officer in respect of whom disciplinary control has not been delegated but whose salary does not exceed the rate of [£600] per annum, and is of the opinion that the misconduct alleged is not serious enough to warrant dismissal, he shall cause an investigation to be held by a public officer holding powers of inquiry under the provisions of these Regulations and that officer shall investigate the matter in such manner as he may think proper, in which case the accused officer shall know the case against him and shall have an adequate opportunity of making his defence.

(2) If as a result of the investigation referred to in paragraph (1) of this regulation the Head of Department is of opinion that the allegation is proved, he shall refer the case with his recommendations to the Permanent Secretary who may either inflict such penalty other than dismissal as he thinks in the circumstances to be proper or direct that a formal inquiry under the provisions of regulation 47 of these Regulations shall be held.

Proceedings against a pensionable officer whose salary exceeds [£220] p.a. and does not exceed [£600] p.a. for retirement in the public interest

49. Whenever a Head of Department considers that it is desirable in the public interest that a pensionable public officer in respect of whom disciplinary control has not been delegated but whose salary does not exceed the rate of [£600] per annum should be required to retire from the Service on grounds which cannot suitably be dealt with under regulation 47, he shall allow the officer an opportunity of submitting a reply to the complaints by reason of which his retirement is contemplated. The Head of Department shall report the case to the Permanent Secretary, who, after procuring from the Heads of any other Departments in

which the officer may have served previously statements as to his general standard of efficiency, shall forward such statements and other documents relating to the case to the Secretary, with his recommendations on the matter. If the Commission is satisfied having regard to the conditions of the Service, the usefulness of the officer thereto and all other circumstances of the case, that the officer's retirement is desirable in the public interest, it will make a recommendation to the Governor accordingly. In every such case the question of pension will be dealt with by the appropriate authority under the appropriate Law.

Criminal conviction of a pensionable officer whose salary exceeds [£220] p.a. but does not exceed [£600] p.a.

50. If a pensionable public officer in respect of whom disciplinary control has not been delegated but whose salary does not exceed the rate of [£600] per annum is adjudged guilty of a criminal charge in any Court, the Head of Department shall bring the matter to the notice of the Secretary through his Permanent Secretary, making his recommendation as to penalty. A copy of the charge or charges and of the judgment (and of the proceedings of the Court if available) shall be forwarded to the Secretary and the Permanent Secretary may make such recommendation as to penalty as he shall think fit. The Commission shall consider the judgment (and the proceedings if available) on such charge and shall recommend to the Governor whether it considers that the officer should be dismissed or subjected to some lesser disciplinary penalty on account of the conviction for the offence of which he has been adjudged guilty, without any of the proceedings prescribed in regulation 47 or 48 of these Regulations being instituted.

Public Service Commission to be kept informed of proceedings and to have power to intervene

51. Whenever, under the preceding regulations, a Permanent Secretary or Head of Department authorizes or recommends to the Permanent Secretary in the Office of the [(a)] disciplinary proceedings against a public officer he shall inform the Secretary of the action authorized or the recommendation made and shall ensure that at each stage of the proceedings the Secretary is kept informed. Despite its general delegation of powers it shall be open to the Public Service Commission if it thinks fit to resume its powers in any particular case to provide for or discontinue disciplinary proceedings against a public officer.

(a) See footnote on page 50.

Arrangements provided for in draft regulations 43 to 50 may need amendment according to circumstances. In a small Public Service it is probably better that a single Permanent Secretary such as the Permanent Secretary to the Treasury should be responsible for decisions concerning disciplinary proceedings since the question of such proceedings will not often arise and the Permanent Secretary of a small Ministry might therefore have little experience of them. But in a large Public Service it may be preferable to provide that the Permanent Secretary of each Ministry is responsible for decisions concerning disciplinary proceedings within his own Ministry.

The intention of draft regulation 51 is to enable a Public Service Commission to build up and maintain a general body of experience on disciplinary cases and despite its delegation of authority to be free to resume its original authority in a particular case where the Commission may consider that a wrong decision has been reached.

D. Pensionable Officers whose salaries do not exceed [£220] per annum (in respect of whom disciplinary control has been delegated).

Proceedings by Head of Department for dismissal of pensionable officer whose salary does not exceed [£220] p.a.

52. (1) Whenever a Head of Department considers it necessary to institute disciplinary proceedings against a pensionable public officer in respect of whom disciplinary control has been delegated and is of the opinion that the misconduct alleged is serious enough to warrant dismissal, he shall, after such preliminary investigation as he may consider necessary, frame charges in writing against the officer. The charges shall be communicated to the officer in order that he may have a full opportunity of exculpating himself. If he does not avail himself of this opportunity, or if the Head of Department does not consider that the officer has exculpated himself, the Head of Department shall arrange for a public officer holding powers of inquiry under the provisions of these Regulations to hold an inquiry at which the accused officer be permitted to be present and shall be allowed to cross-examine the witnesses, if any. The accused officer shall also be allowed access to all documentary evidence against him and shall be allowed to adduce witnesses in his defence. The Attorney-General may be consulted by the Head of Department concerned as to the charges to be preferred. The public officer holding the inquiry may in his discretion permit the Head of Department or the accused officer to be represented at the inquiry by a public officer or a

legal practitioner, provided that where the officer holding the inquiry permits the Head of Department to be so represented he shall permit the accused officer to be represented in the same manner.

(2) If as a result of an inquiry held in accordance with the provisions of paragraph (1) of this regulation the Head of Department is of opinion that the charge or charges are established the Head of Department shall determine whether the penalty to be imposed shall be dismissal or a lesser penalty and communicate his decision (but not the reasons for his decision) to the officer.

Other proceedings by Head of Department against a pensionable officer whose salary does not exceed [£220] p.a.

53. (1) Whenever a Head of Department considers it necessary to institute disciplinary proceedings against a pensionable public officer in respect of whom disciplinary control has been delegated and is of the opinion that the misconduct alleged is not serious enough to warrant dismissal, he shall cause an investigation to be held by a public officer holding powers of inquiry under the provisions of these Regulations and that officer shall investigate the matter in such manner as he may think proper, in which case the accused officer shall know the case against him and shall have an adequate opportunity of making his defence.

(2) If as a result of the investigation referred to in paragraph (1) of this regulation the Head of Department is of opinion that the allegation is proved, he shall either inflict such penalty other than dismissal as he thinks in the circumstances to be proper or direct that a formal inquiry under the provisions of regulation 52 of these Regulations shall be held and shall communicate his decision (but not the reasons for his decision) to the officer.

Proceedings for retirement in the public interest in the case of a pensionable officer whose salary does not exceed [£220] p.a.

54. Whenever a Head of Department considers it necessary to proceed in the case of a pensionable public officer, in respect of whom disciplinary control has been delegated, for his retirement from the Service on grounds of public interest the procedure detailed in regulation 49 shall be followed.

Criminal conviction of a pensionable officer whose salary does not exceed [£220] p.a.

55. If a pensionable public officer in respect of whom disciplinary control has been delegated is adjudged guilty of a criminal charge by a Court, the Head of Department shall consider the judgment (and the proceedings if available) of the Court on such charge,

and shall decide whether the officer should be dismissed or subjected to some lesser disciplinary penalty on account of the conviction for the offence of which he has been adjudged guilty, without any of the proceedings prescribed in regulation 52 or 53 of these Regulations.

E. Non-pensionable officers whose salaries exceed [£220] per annum.

56. Where it is considered necessary to institute disciplinary proceedings or proceedings for retirement from the public service in the public interest of a non-pensionable public officer, whether after being adjudged guilty by a Court of a criminal offence or otherwise, in respect of whom disciplinary control has not been delegated, the proceedings shall be in the form appropriate to a pensionable public officer of the same salary.

F. Non-pensionable officers whose salaries do not exceed [£220] per annum (in respect of whom disciplinary control has been delegated).

57. Disciplinary action, including action for dismissal for disciplinary reasons, and proceedings for retirement from the public service in the public interest against a non-pensionable public officer in respect of whom disciplinary control has been delegated may be taken by the Head of Department or by a public officer to whom powers have been authorised under the provisions of paragraph (a) of regulation 38 of these Regulations, who may cause an investigation to be made in such manner as the public officer holding the inquiry may think proper, provided that the accused officer shall be entitled to know the whole case made against him and shall have an adequate opportunity throughout of making his defence.

58. If a non-pensionable public officer in respect of whom disciplinary control has been delegated is adjudged guilty of a criminal charge by a Court, the Head of Department or a public officer to whom powers have been authorised under the provisions of paragraph (a) of regulation 38 of these Regulations shall act as is provided by regulation 55 of these Regulations.

*G. Miscellaneous.**Absence from duty
without leave*

59. Where any public officer is absent from duty without leave or reasonable cause for a period exceeding ten days and the officer cannot be traced within a period of twenty days of commencement of such absence or if traced no reply to a charge of absence without leave is received from him within ten days after the despatch of the charge to him

(a) in the case of a public officer in respect of whom disciplinary control has been delegated, the authority empowered to dismiss him may summarily dismiss him;

(b) in any other case, the Head of Department shall report the matter to the Permanent Secretary who shall inform the Secretary; and the Commission shall make its recommendation to the Governor thereon.

*Withholding and
restoration of incre-
ments*

60. (1) If a Head of Department is of opinion that an annual increment in salary of a public officer holding a post in his department should be withheld on the ground of unsatisfactory service during the previous year, not amounting to general inefficiency or misconduct, or for failure to pass a prescribed examination, he shall

(a) if the officer is one in respect of whom disciplinary control has not been delegated report the matter to the Permanent Secretary, giving the reasons therefor, and if the Permanent Secretary is of the opinion that such increment should be withheld he shall

(i) in a case where the officer's salary exceeds the rate of [£600] per annum, forward the report together with his recommendation to the Secretary and the Commission shall make a recommendation to the Governor on the matter,

(ii) in other cases, withhold the increment;

(b) if the officer is one in respect of whom disciplinary control has been delegated, withhold the increment.

(2) If a Head of Department is of opinion that an annual increment in salary of a public officer which has been withheld should be restored he shall

(a) if the officer is one in respect of whom disciplinary control has not been delegated report the matter to the Permanent Secretary, giving the

reasons therefor, and if the Permanent Secretary is of opinion that such increment should be restored he shall

(i) in a case where the officer's salary exceeds the rate of [£600] per annum, forward the report together with his recommendation to the Secretary and the Commission shall make a recommendation to the Governor on the matter.

(ii) in other cases, restore the increment;

(b) if the officer is one in respect of whom disciplinary control has been delegated, restore the increment.

(3) On restoration, the increment withheld may be treated as stopped or deferred. If the increment is treated as stopped, the officer suffers the loss of the increment for the period between withholding and restoration, and on restoration regains his previous incremental status and incremental date. If the increment is deferred the officer's incremental status is reduced in that he takes as a new incremental date the date of restoration, and the officer suffers a loss of seniority for the period of deferment.

FIRST SCHEDULE

Heads of Departments.

SECOND SCHEDULE

Part I—Public officers authorised under Regulation 38 to exercise certain disciplinary powers.

Part II—Public officers authorized to hold certain inquiries and investigations.

Appendix B

NOTES ON DISCIPLINARY PROCEEDINGS

GENERAL:

The public interest requires that misconduct shall be dealt with promptly: it also requires that a public officer shall not be punished until he has had an adequate opportunity of defending himself. The disciplinary procedure set out in the Public Service Commission Regulations is based on these two requirements and these notes have been written with the object of providing a guide to this procedure for the assistance of officers who are called upon to undertake disciplinary inquiries. A disciplinary inquiry necessarily throws extra work on to an already busy officer, but the more familiar he is with the procedure the lighter will be his task.

FIRST STEP:

2. The procedure to be followed in any particular disciplinary case is set out in the Public Service Commission Regulations and depends on

- (a) the offending officer's salary and whether he is pensionable; and
- (b) whether the offence merits dismissal or whether a lesser punishment will meet the case.

The first step therefore is to decide which Public Service Commission Regulation applies to the case.

The following Table will illustrate this. For the purpose of illustration £220 has been taken as the upper salary limit for the purpose of delegation to Heads of Departments.

<i>Basic salary</i>	<i>Offence meriting dismissal</i>	<i>Offence meriting punishment less than dismissal</i>	<i>Retirement in the Public Interest</i>	<i>Criminal Conviction</i>
Not exceeding [£220] per annum non-pensionable.	Regulation 57.	Regulation 57.	Regulation 57.	Regulation 58.
Not exceeding [£220] per annum pensionable.	Regulation 52.	Regulation 53.	Regulation 54.	Regulation 55.
Exceeding [£220] per annum but not exceeding [£600] per annum, pensionable, and (under Regulation 56) non-pensionable.	Regulation 47.	Regulation 48.	Regulation 49.	Regulation 50.
Exceeding [£600] per annum pensionable and, (under Regulation 56) non-pensionable.	Regulation 43.	Regulation 44.	Regulation 45.	Regulation 46.

NOTE. Daily paid employees do not come under the Public Service Commission Regulations and are dealt with in terms of General Orders.

CHARGES:

3. The basis of all proceedings, except removal in the public interest or those following a criminal conviction, is the framing of a charge (or charges) setting out precisely the alleged misconduct. Charges should be simply worded and as brief as possible but they must state the actual acts or omissions which constitute the misconduct and should indicate whenever possible what regulation or rule of conduct has been contravened. A model form of charge is given in Annex A and some specimen charges in Annex B; a model form of letter conveying the charge appears below Annex A.

INTERDICTION (See Public Service Commission Regulation 39).

4. An officer may be interdicted from duty pending the institution of disciplinary proceedings provided that:—

- (a) the interests of the public service require that he should cease forthwith to exercise the powers and functions of his office; and

(b) proceedings for his dismissal are being taken or are about to be taken, or if criminal proceedings are being instituted against him.

Interdiction requires the approval of the authority empowered to dismiss the officer.

WHEN AN INQUIRY IS NECESSARY:

5. If the officer does not plead guilty and fails to exculpate himself in his reply to the charges, an inquiry must be held in order to establish the truth of the complaint. An inquiry may also be desirable even if the accused unequivocally admits the truth of the charges if further information is necessary before a decision is reached on the award. The inquiry must be held by an officer so authorised under Public Service Commission Regulation 38. The inquiry cannot be held by a Head of Department. The officer holding the inquiry has a two-fold responsibility; while ensuring that the accused officer is treated with complete fairness and impartiality he must arrive as quickly as possible at the truth of the matter under examination.

TWO KINDS OF INQUIRY:

6. The Public Service Commission Regulations prescribe two kinds of inquiry:

(a) A simple form of summary inquiry for use in the less important cases: and

(b) A formal inquiry which is necessary in more serious cases.

The Public Service Commission Regulation applicable to the case will show which kind of inquiry must be held and the following paragraphs contain detailed guidance on the method of holding such inquiries.

SUMMARY INQUIRIES:

7. Summary inquiries are prescribed by Public Service Commission Regulations, for:

(a) all disciplinary proceedings in respect of non-pensionable officers whose salary is not more than [£220] per annum: and

(b) proceedings in the case of pensionable officers and non-pensionable officers whose salaries do not exceed [£600] and where the punishment contemplated is less than dismissal.

In this kind of inquiry the detailed conduct of the procedure is left to the Inquiring Officer and as it is intended that such cases shall be disposed of as expeditiously as possible, elaborate proceedings are not required. But sufficient note of the proceedings should be made at the time to show clearly that the charge has been thoroughly investigated and that the accused officer has had full facilities for making his defence. The charge should always be recorded in writing and read out to the accused officer. The

length of time that should be allowed to the accused officer to make his reply and whether the reply should be in writing or made orally and noted down by the Inquiring Officer must depend on the circumstances of the case, and is left to the discretion of the Inquiring Officer. So also are questions such as the amount of evidence which should be called in support of the charge.

A special printed "Summary Inquiry Sheet" (Annex C) has been devised for the assistance of officers holding this kind of inquiry, and this form should invariably be used in such inquiries.

Where the final order of the Head of Department is required, the Inquiring Officer should submit the proceedings to him with his recommendation.

FORMAL INQUIRIES:

8. Formal inquiries are prescribed by Public Service Commission Regulations, for all cases (except those concerning non-pensionable officers whose salary is not more than £220 per annum—see paragraph 7 of these notes) where the punishment contemplated is dismissal.

A formal inquiry requires:

- (i) the presentation of written charges to the officer:
- (ii) an opportunity being given for him to inspect any documentary evidence against him (which may include statements taken at a preliminary investigation):
- (iii) an opportunity being given for the officer to submit his reply in writing to the charges:
- (iv) a formal hearing at which the officer will be allowed to cross-examine the witnesses called to give evidence against him and to call his own witnesses if any.

If the officer has inspected the documentary evidence against him, including statements made at any preliminary investigation, it may be sufficient at the formal hearing to read over to a witness, before he is cross-examined, the statement made by him at the preliminary investigation. But if the accused officer wishes the evidence to be recorded afresh or if the officer conducting the inquiry feels that the ascertainment of the truth will be advanced thereby, this should always be done. The record of the proceedings must be self-contained to facilitate the work of the Public Service Commission in the event of an appeal. The pages of the record should be numbered and there should be a short index indicating where each of the essential parts of the inquiry may be found. For the benefit of officers who are called upon to conduct a formal inquiry, detailed instructions in the holding of such inquiries are set out in Annex D, and it is strongly recommended that all officers concerned with disciplinary inquiries of any kind should find time to study this annex.

PUNISHMENTS:

9. (See Public Service Commission Regulation 42).

(1) The following are the punishments (in order of severity) which may be ordered as a result of disciplinary proceedings:—

- (a) dismissal:
- (b) reduction in rank: reduction in salary:
- (c) deferment of increment:
- (d) stoppage of increment:
- (e) reprimand.

DISCIPLINARY AWARDS:

10. A specimen letter conveying a disciplinary award is given in Annex E.

Annex A

FORM OF CHARGE

To(name and designation).....

You are hereby called upon to show cause under Public Service Commission Regulation No. on or before, why you should not be dismissed or otherwise punished for misconduct (and/or culpable punished

negligence) in that on (time, date, place) you (description of act or omission) and thereby contravened Departmental

G.O.

Instruction No. (if applicable) [or, and were thereby guilty of gross F.O.

insubordination/negligence/misconduct]. The following documents will be produced as evidence against you and may be inspected by you at (place) between (times and dates).

.....
Signature and designation

NOTE:

- (i) It is essential to state the number of the Public Service Commission Regulation under which the proceedings are being taken.
- (ii) Where a large number of charges can be framed it is generally desirable to concentrate on the important charges and to omit any which are comparatively trivial.
- (iii) If the charges are based on any documents or on any statements that have been previously recorded, a paragraph should be included informing the officer when and where he may inspect such documents or statements.
- (iv) A number of specimen charges are given in Annex B.

FORM OF LETTER CONVEYING CHARGE

Sir,

I transmit the attached disciplinary charge which has been preferred against you and request that you will acknowledge its receipt immediately, and reply to it within the time limit indicated in it.

I am, Sir,

Your obedient Servant.

.....
Signature and Designation.

Annex B

SPECIMEN CHARGES IN RESPECT OF OFFENCES AMOUNTING TO MISCONDUCT

DRUNKENNESS

That on the 4th July, 1952, at 2 p.m., in the main office, you were in a condition due to excessive drinking, which rendered you incapable of carrying out your duties as a

ABSENCE WITHOUT LEAVE

That from the 1st July, from 7.30 a.m. onwards, you absented yourself from duty without leave from the time stated until 3 p.m. on Thursday 3rd July, 1952.

ENGAGING IN TRADE

That on the 5th July, 1952, at 10 a.m., in you were employed for gain in the commercial undertaking of agent for by selling to the public booklets belonging to that firm, and thereby contravened General Order

PECUNIARY EMBARRASSMENT

That on the 31st July, 1952, at , you were unable to meet debts occasioned by your imprudence amounting to £100, and thereby contravened General Order

ANONYMOUS COMMUNICATIONS TO THE PRESS

That on a date and at a time unknown, during July, 1952, you, without authority to do so, communicated to the " " an anonymous letter, a copy of which is attached, containing information gained in the course of your official duties, and thereby contravened General Order

SHOWING OFFICIAL CORRESPONDENCE TO PRIVATE PERSONS

That on 7th July at 11 a.m., in you, without authority so to do, showed to John Brown of the firm a copy of a departmental letter, No. and thereby contravened

INSUBORDINATION

That on the 8th July, at 8.50 a.m., in the entrance hall to the main office, you addressed the following remark to the in charge of the section in which you are employed; "I know I am late but it is not your business".

NEGLIGENCE

That on the 9th July, 1952, at 9 a.m., at the main office, you negligently failed to detect a deficiency of one typewriter in the articles on charge to the office, which articles you had been instructed to check.

Annex C

SUMMARY INQUIRY SHEET

.....
Department

Inquiry held on at
(date) (place)

Accused Officer
(name) (post) (salary)

Inquiry held by
(name) (rank)

The following charge is read out to the accused officer:

That on the
(date) (time) (place)

you
.....
.....
(state the act or omission complained of)

and thereby contravened
.....
(where applicable, state Order or Regulation contravened)

Accused Officer States in Reply

1. I admit the charge* } Delete whichever is inapplicable.
I do not admit the charge

2. I do not wish to call any witnesses } Delete whichever is inapplicable.
I wish to call the following witnesses

Name

.....

.....

.....

.....
(Signature of Accused Officer).

* If the accused officer admits the charge you should record, in the space otherwise reserved for the evidence, any statement which he makes in mitigation of his offence.

(Page 2)

A summary of the statements of witnesses against or for the accused including the accused's own statement in his defence should be recorded hereunder.

The witnesses called to give evidence against the accused should give their evidence first and the accused officer should be allowed to ask them any questions which go to prove the truth, or otherwise, of their evidence.

(Page 3)

(Page 4)

Having heard the evidence in support of the charge and the evidence adduced by the accused officer in his defence I consider that the charge is

established. (delete whichever is inapplicable).
not established.

.....
(Signature of Inquiring Officer)

Date

Disciplinary award by Head of Department or Officer authorised to exercise powers of disciplinary control under Regulation — of the Public Service Commission Regulations.

.....
(Signature of Head of
Department or Officer
authorised)

Date

Recommendation by Head of Department where Permanent Secretary's order is required, under Regulations — and — of the Public Service Commission Regulations.

.....
(Signature of Head of
Department)

Date

Disciplinary award by Permanent Secretary under Regulation — or Regulation — of the Public Service Commission Regulations.

.....
(Signature of Permanent
Secretary)

Date

Annex D

METHOD OF CONDUCTING A FORMAL INQUIRY

When a formal inquiry has to be held the following general instructions should be followed:

- (i) Proceedings should be recorded clearly and legibly.
- (ii) The date of the inquiry and place at which it is being held should be entered on the record at the beginning of the inquiry. This should be done again if the inquiry is continued at a different place or time.
- (iii) The accused officer must be present throughout the proceedings and the fact that he is present should be recorded at the opening of the proceedings.
- (iv) The Public Service Commission Regulation under which the inquiry is being held should also be recorded.
- (v) The Inquiring Officer should read the charges and should ask the accused officer whether he wishes to make any further statement other than his written reply to the charges. He should be informed that he will have an opportunity of making a statement at the end of the proceedings.
- (vi) The witnesses against the accused officer are then called.
- (vii) Evidence should always be recorded as direct speech, i.e. as if the witness himself were narrating it and not as if it were being narrated by the officer holding the inquiry, e.g.

[Name]

[Rank]

[Department]

"I remember the incident in question but cannot recollect the exact date. It was about the end of last month . . ."

The wrong way to record such evidence is:

[Name]

[Rank]

[Department]

states that he remembers the incident in question but cannot recollect the exact date. He says it was about the end of last month . . ."

- (viii) Evidence should not ordinarily be taken down in the form of question and answer unless the officer holding the inquiry wishes for any special reason to use this form of recording the evidence. This applies to all evidence given by a witness including evidence given in cross-examination and evidence given in reply to further questions put by the officer holding the inquiry, e.g. "I remember the incident in question but cannot recollect the exact date. It was about the end of last month".
- (ix) The accused officer is entitled to cross-examine the witnesses called in support of the prosecution and the record should show that he has been given this opportunity, whether or not he has taken advantage of it.
- (x) Each statement that is recorded in the course of the inquiry must be signed by the person making it and by the officer holding the inquiry.

- (xi) The evidence of a witness should always be read out to him before he is asked to sign (or make his mark on) the record. If he has not given his evidence in English, his evidence, as recorded, should be explained to him in the language in which he gave it. If he denies having made any statement as recorded, then such denial should be recorded in brackets, together with the comments of the Inquiring Officer, immediately below the body of the evidence already recorded, before he is asked to subscribe his signature. e.g., "On the evidence being read over (or explained) to this witness he says that what he actually stated was "....." not ".....". I am, however, certain that he made the statement as recorded by me. (Initials)"

(.....)

(Signature of Witness.

(.....)

Signature of Officer holding Inquiry.

- (xii) It is the duty of the officer holding the inquiry to see that the evidence of a witness is always given in a language familiar to that witness. If that language is not understood by the accused officer the evidence given by the witness should be translated and explained to him.
- (xiii) The officer holding the inquiry should question each witness in such a manner as to elicit all the relevant evidence that such witness is able to give in regard to the subject matter of the inquiry. The questions should be simple and so framed as to obtain from the witness, as nearly as may be in a chronological order, a narrative of all the relevant facts which he has witnessed, i.e. which he has in any manner directly seen or heard or otherwise directly observed or perceived. A general request to a witness to tell what he knows or to state the facts of the case is, as a rule, not to be permitted because it affords an opening for a prepared story. He should in no case be permitted to state what another person told him unless the statement of that person was made in the presence of the accused officer. Such evidence is otherwise hearsay evidence and therefore inadmissible.
- (xiv) If a witness declines to answer any question which the officer holding the inquiry considers to be relevant, a record should be made to that effect.
- (xv) When the evidence of a witness contradicts the evidence given by him at the preliminary investigation he should be requested to explain the contradiction and his explanation, if any, should be recorded. If he states that he is unable to offer an explanation, his statement to that effect should be recorded. If he remains silent when so questioned, this fact should be recorded in brackets by the officer holding the inquiry.
- (xvi) If any objection is raised by the accused officer at any stage of the proceedings, the officer holding the inquiry should immediately record it within brackets together with his ruling thereon.
- (xvii) The officer holding the inquiry must remember that it is his duty to arrive at the truth of the matter under inquiry. He is not therefore merely to accept and record the evidence of the witnesses. He must endeavour, by questioning witnesses and, where necessary, by recalling the witnesses already heard, to bring out all matters against the officer but at the same time take care that all matters in his favour are brought out no less clearly. He must use every endeavour to be in a position at the end of the inquiry

to say, with conviction, whether, in his opinion, the accused officer is or is not guilty of the offences with which he has been charged.

- (xviii) After all the evidence for the prosecution has been recorded, the accused officer should be requested to make his statement and such statement should likewise be recorded. If he declines to make a statement, a record should be made to that effect.
- (xix) After the accused officer has signed the record he should be asked whether he is calling any witnesses for the defence. If he replies in the negative, this fact should be recorded. If he replies in the affirmative, the officer holding the inquiry should proceed to record the evidence of his witnesses.
- (xx) No witnesses (other than the accused officer) should be allowed to be present when any other witness is giving his evidence or to be anywhere within earshot when such evidence is being given.
- (xxi) At the conclusion of the inquiry the officer who held it should inquire from the accused officer whether he is satisfied with the manner in which it has been held and, if not, his reasons for dissatisfaction. His replies should be recorded (with his signature entered thereunder) as follows:—

I am satisfied with the conduct of this inquiry

or

I am not satisfied with the conduct of this inquiry for the following reason/reasons:

.....

If the accused officer is unable to sign, his left thumb impression should be obtained in lieu of his signature.

- (xxii) As soon as the officer holding the inquiry has completed the record of all statements, he should make his report on the inquiry. The report should —
 - (i) state definitely whether or not he considers the accused officer guilty in respect of each of the charges framed against him: and
 - (ii) set forth lucidly the facts and inferences in support of his conclusions in respect of each of the charges.
- (xxiii) The conclusions should always be based on facts and not on mere conjectures. But such inferences as the facts justify may be drawn if they clearly arise from those facts.
- (xxiv) The officer holding the inquiry may comment on the demeanour of any witnesses, including the accused officer, in the course of the proceedings. If the accused officer has made a statement expressing dissatisfaction with the conduct of the inquiry, the officer holding the inquiry should make his comments thereon in his report.
- (xxv) The officer holding the inquiry should on no account disclose to the accused officer, or to any other person not authorised to receive such information, what findings he has reached in the inquiry.
- (xxvi) The officer holding the inquiry should forward the inquiry proceedings together with his report to the head of his department.

Annex E

(1)

SPECIMEN LETTER CONVEYING DISCIPLINARY AWARD

Sir,

I am directed to inform you that following an examination of the record of the proceedings of the inquiry held on and the report of the Inquiring Officer, the Governor on the recommendation of the Public Service Commission, has found that charges Nos. of the charges preferred against you under Regulation of the Public Service Commission Regulations on have been established, but that charges Nos. have not been established.

2. His Excellency, on the recommendation of the Public Service Commission has decided that in respect of the charges which have been established, the increment for which you become eligible on shall be withheld for one year and thereafter restored but treated as deferred.

3. I am to add that if you wish to petition His Excellency against this award you must do so within six weeks.

I am, Sir,

Your obedient Servant,

.....
Signature and Designation.

Appendix C

SPECIMEN RECOMMENDATION FORMS FOR APPOINTMENTS AND PROMOTIONS (1)

CONFIDENTIAL

P.S.C. Form 1

RECOMMENDATION FOR FILLING A VACANT POST

(Delete all inapplicable words and paragraphs. Explanations and comments may be typed on the back of the form.)

PART I

To the Permanent Secretary, Ministry of.....
through the Establishment Secretary, Chief Secretary's Office. (3 copies,
including attachments.)

I report the following vacancy:—

Post Head Item Scale

<i>Number of vacancies</i>	<i>With effect from</i>	<i>Previous holder (A = Acting holder)</i>	<i>Reason for vacancy</i>

2. (If a promotion.)

I recommend that it be filled by the promotion of:

<i>Name</i>	<i>Present rank</i>	<i>Salary scale</i>	<i>With effect from</i>

I give my reasons on the attached sheet. The officer recommended is/is not the senior in his grade (If not, give the names of officers to be superseded, with detailed reasons for each supersession.)

3. (If not a promotion.)

(a) I recommend that it be filled by the contract appointment/permanent appointment/renewal of contract/extension of temporary transfer of Mr

(If he is an expatriate, give an explanation to satisfy the P.S.C. that a Local candidate is not available and to show what steps are being taken to train one for the appointment.)

(b) I recommend that it be advertised locally, and attach a draft advertisement.

(c) I am unable to recommend that it be advertised locally, and I recommend that an expatriate from outside the Government Service be recruited in accordance with the attached statement of the duties and qualifications of the post. (Give reasons for not advertising locally; also an explanation as in 3 (a).)

Signed

Date

Departmental File

Office

PART II

To the Permanent Secretary, Ministry of.....

4. I confirm that:

(a) The particulars in paragraph 1 are correct.

(b) There are no objections on financial or establishment grounds to the vacancy being filled with effect from

(c) The terms of the draft advertisement are correct.

(d) The statement of the duties and qualifications of the post is correct.

Signed

Date

C.S.O. File.....

Establishment Secretary.

PART III

To the Secretary of the Public Service Commission.

5. I support/do not support the recommendation made in Part I.

(Any observations should be attached—one copy.)

Signed

Date

Permanent Secretary,

Ministry File

Ministry of

	<i>Month and year</i>	<i>Month and year</i>
10. Academic or professional qualifications. <i>State when and where obtained. Give details of examinations passed.</i>		
11. State other qualifications possessed, and whether they are those advertised for this vacancy.		
12. What have you done since you left school? <i>List each position held by you, the dates between which you held it, the cause of leaving, and the name and address of each employer. Periods of unemployment, and of Government Service (mentioning each appointment) should also be shown. Attach copies of any available testimonials.</i>		

13. What other Government posts have you applied for, and when?

14. Personal References.

Give the name, and addresses of two responsible persons who know you well, either in private life or in business. One at least should be well acquainted with you in private life. The names of relatives must not be given, nor those of distinguished persons unless they know you well. Testimonials from your personal referees should not be sent.

1. Name
Address
Occupation
Period during which he has known you
2. Name
Address
Occupation
Period during which he has known you

15. If you wish to give any more information about yourself you should give it on an attached sheet of paper.

Signed
Date

N.B.—If you are in the Government Service you must send this form in duplicate through your Head of Department.

Original documents should not be sent unless requested: no responsibility is accepted for the custody of original documents unless a specific request has been made for their production.

PART II

(To be completed by the applicant's Head of Department in the case of Government servants.)

I consider/do not consider the candidate is qualified in the terms of the advertisement. I recommend/do not recommend him for the vacancy. My reasons are given below:

.....
.....
.....
.....

Signed
Date
Office

Departmental File.....

PART III

(To be completed in respect of each candidate by the Chairman of the Selection Board, or by the Head of Department in which the vacancy to be filled exists, as may be appropriate.)

It is/is not considered that the candidate is qualified in the terms of the advertisement. He is/is not recommended to fill the vacancy. My reasons are given below:

.....
.....
.....
.....

Signed
Date
Office

File.....

(3)

CONFIDENTIAL

REPORT OF A SELECTION BOARD

P.S.C. Form 3

(To be submitted in duplicate to the Permanent Secretary concerned, who may retain one copy. "Selection Board" includes a Head of Department performing the functions of a Board.)

PART I

1. The candidates qualified and recommended for the vacant posts are listed in order of preference:

2. The candidates not qualified, or qualified but not recommended, are listed below:

3. The views of the Selection Board on each candidate are recorded in Part III of his Application Form (P.S.C. Form 2.)

Signed

Date

Office

File

PART II

4. I support/do not support the above recommendations.
(Any observations may be recorded on the back of this form.)

Signed

Date

Permanent Secretary

Ministry of

File

(4)

CONFIDENTIAL

P.S.C. Form 4

RECOMMENDATION FOR A PAID ACTING APPOINTMENT

(Delete all inapplicable words and paragraphs. Explanations and comments may be typed on the back of the form. The form should also be used, with suitable alterations, for an unpaid acting appointment.)

PART I

To the Permanent Secretary, Ministry of _____, through the Establishment Secretary, Chief Secretary's Office. (3 copies, including any attachments.)

1. I report the permanent/temporary vacation of the post of _____, salary scale _____, with effect from the _____, by reason of the _____ of the previous substantive/acting holder, Mr. _____
2. I recommend that Mr. _____, rank _____, basic salary £ _____, be appointed to act in the post from the _____ to the _____, and to draw the full rate of acting allowance.
3. He is/is not the senior officer eligible to act. *(If not, explain all supersessions, showing whether the officers concerned are on leave, acting elsewhere, not readily available, or not qualified.)*
4. He is/is not fully qualified and competent to perform all the duties of the post. *(If not, state what proportion of the full acting allowance you recommend that he should draw.)*

Signed _____

Date _____

Departmental File _____ Office _____

PART II

To the Permanent Secretary, Ministry of _____

5. I confirm that:
 - (a) The particulars in paragraph 1 are correct.
 - (b) There are no objections on financial or establishment grounds to the recommendation in paragraph 2.
6. I agree with the proportion of acting allowance recommended in paragraph 4.

Signed _____

Date _____

C.S.O. File _____ Establishment Secretary

PART III

To the Secretary of the Public Service Commission.

7. I support/do not support the recommendation made in Part I.

Signed _____

Date _____

Ministry File _____ Permanent Secretary,
Ministry of _____

Appendix D

SPECIMEN P.S.C. REFERENCE FORM

PUBLIC SERVICE COMMISSION PAPER

File No.

Serial No.

SUBJECT:

	Date Submitted	Date of Minute
<i>Chairman</i>
Mr.
Mr.
Mr.
Discussed at Meeting of Commission on		
Submitted to the Governor on		
Order made by the Governor on		

Submission to the Governor

1871

Order by the Governor

Appendix E

SPECIMEN LOCAL ANNUAL CONFIDENTIAL REPORT FORMS

(1)

Strictly Confidential

Local Confidential Report for Year Ending 19....

**SUBSTANTIVE STAFF GRADE OFFICERS NOT BEING HEADS OF
DEPARTMENTS OR ABOVE.**

Part I

1. Name
2. Appointment and salary scale
3. Where stationed 4. Age
5. Salary at end of year under review £ pensionable/non-
pensionable.
6. Classification of his work during the year.
- A. Of such outstanding merit that there can be no doubt as to
the officer's suitability at the present time for promotion.
- B. Not sufficiently outstanding to qualify for A but well above
the average; suitable for promotion in the normal course.
- C. Capable of discharging all the duties of his present grade
adequately but has not so far established his fitness for
promotion.
- D. Lacking in one or more of the essential qualifications for the
post. (See Note 5 below)
7. Comment in amplification of the above classifications.

Signed

Post

.....19....

Part II

8.

Signed

Post

.....19....

NOTES

1. See General Order [100.]
2. This report must be kept strictly confidential and should either be in the handwriting of the officers completing it or typed by them.
3. Part I is to be completed by the Head of Department.
4. Part II is to be completed by the Permanent Secretary.
5. Every officer has his weak points as well as his strong ones and it is equally important for the officer and the Service that both should be described. Reporting officers are therefore particularly asked to give a full, frank and considered statement in the space provided for their comments, and to bring any adverse comments to the notice of the officer reported on.

(2)

CONFIDENTIAL

Local Confidential Report for year ending.....19....

OFFICERS BELOW SUBSTANTIVE STAFF GRADE**Part I**

1. Name
2. Appointment and salary scale.....
3. Date of appointment to present grade.....
4. Where stationed..... 5. Age.....
6. Salary at end of year under review £.....Pensionable/non-pensionable.
7. Has it been found necessary to withhold an increment during the year under review?.....
8. Was any warning given or any disciplinary action taken against the officer during the year?
(If so give details on reverse).
9. Was his conduct satisfactory?.....
10. Brief description of duties performed.....
11. Classification of work during the year, based on performance of the duties of present grade (see reverse for detailed classification and comments).

- | | |
|------------------------------------|--|
| (a) Outstanding | |
| (b) Above average | |
| (c) Average (Satisfactory) | |
| (d) Below average | |
| (e) Incompetent | |

Signed

Post

.....19....

Part II

12. Fitness for promotion to next higher grade.

- | | |
|--|--|
| A. Well qualified for promotion out of turn | |
| B. Qualified for promotion in normal turn | |
| C. Doing well but requires more experience | |
| D. Doing well but not likely to earn further promotion | |
| E. (1) Not at present suitable for promotion for other reasons | |
| (2) Not at present eligible for promotion | |

13. Any other comments in amplification of the above classifications—particularly (a), A, (e), and E (1). (d) or (e) in Part I should be communicated to the officer by letter and a copy of the letter, acknowledged by the officer, should be attached.

Signed

Post

Dept.

.....19....

See reverse for Notes.

DETAILED CLASSIFICATION OF WORK (Part I, para. 11)

	Very Good	Satisfactory	Indifferent	Poor
Knowledge of work				
Skill or efficiency				
Work capacity or output				
Sense of responsibility				
Initiative				
Organising capacity				
Power of leadership, e.g. control of subordinate staff				
Power of written expression				
Power of oral expression				
General behaviour				

NOTE.—Insert N.A. = "Not applicable" or N.O. = "No opportunity for assessment" as necessary

DETAILS OF WARNING OR DISCIPLINARY ACTION (PARA. 8) AND
ANY SPECIAL COMMENTS:—

Signed

19.....

Post

NOTES

1. This report must be kept confidential.
2. Part I is to be completed by the most senior officer in immediate contact with the officer concerned, being of a grade not below Senior Executive Officer or its equivalent.
3. Part II is to be completed by the Head of Department on all officers over £600. Reports on other pensionable officers should be completed by the Personnel Manager, Executive Secretary or other officer of similar rank and duties but reports on Salaried Employees will be completed by the officer who completes Part I, unless the Head of Department directs otherwise.
4. Every officer has his weak points as well as his strong ones and it is equally important for the officer and the Service that both should be described. Reporting Officers are therefore particularly asked to give a full, frank and considered statement in the space provided for their comments, and to bring any adverse comments to the notice of the Officer reported on in accordance with —.